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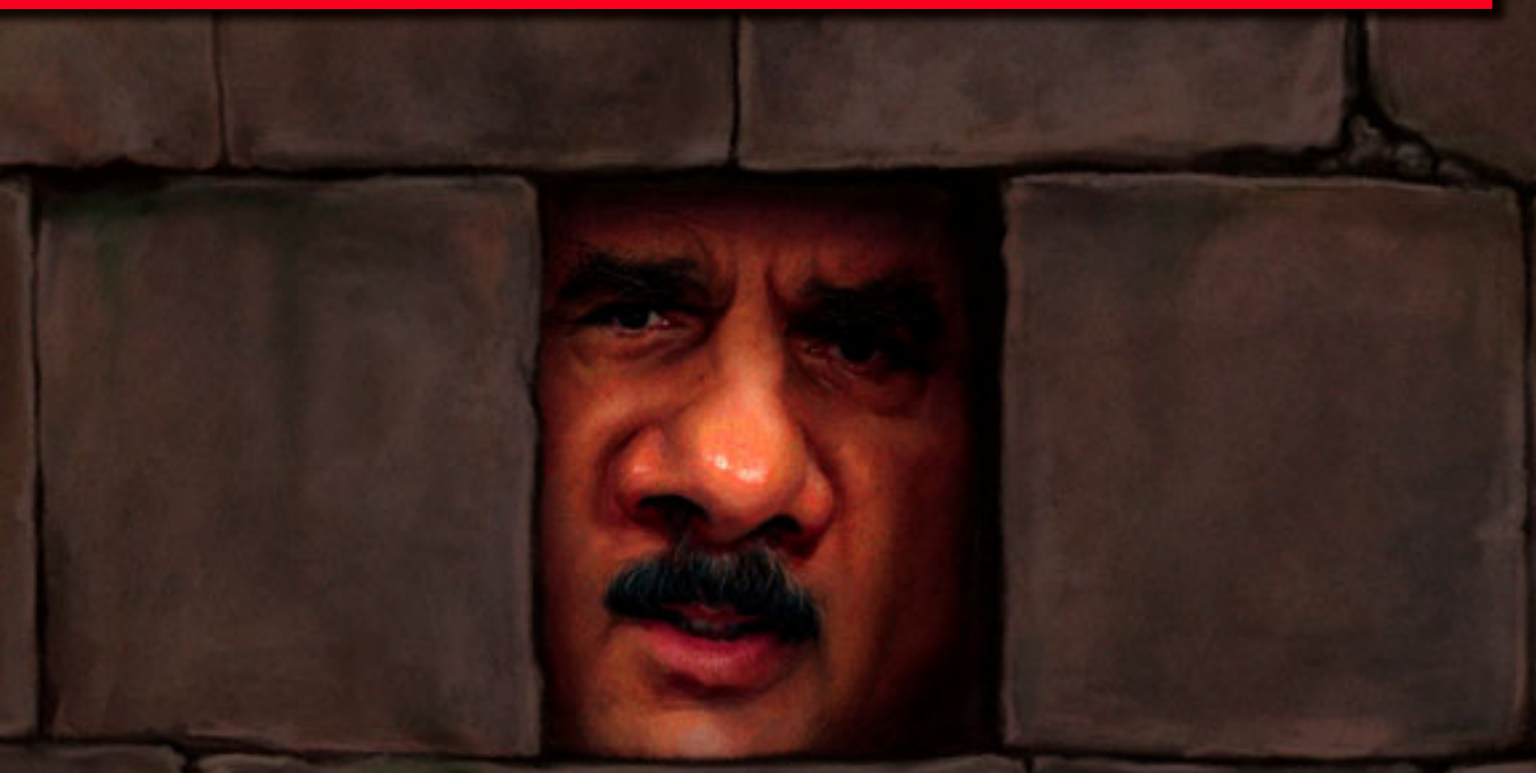

THE STONEWALL

Attorney General Eric Holder's not-so-transparent Justice Department

JENNIFER RUBIN • STEPHEN F. HAYES

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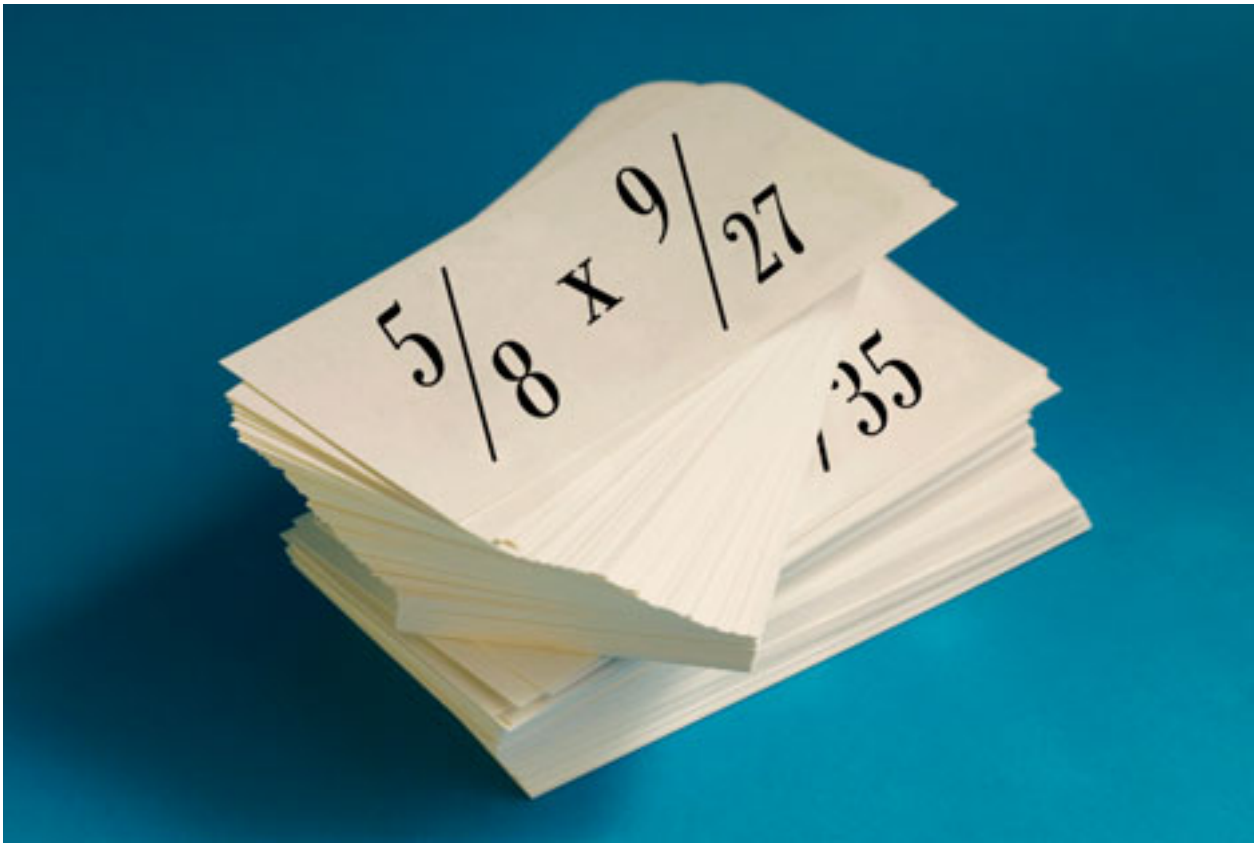

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Abraham Lincoln once said, "Let us have faith that right makes might." Do you have that kind of faith? Or do you think that idealistic principles are outdated and impossible to achieve?

Read Richard W. Wetherill's book *RIGHT IS MIGHT* to discover why *right* really is *might*, and how the natural laws of the universe make it so.

Richard W. Wetherill
1906-1989

During his lifetime, Wetherill was often described as a person who was scores of years ahead of his time. Now former members of his research and study group think that his day has finally come. Increasingly, more and more people understand that to succeed they must be rational and honest.

In 1929, Wetherill identified a ***natural law*** controlling people's personal and interpersonal behavior. ***The law states that people are required to think, say, and do what is right in order to get a right result.*** It further states that when people have personal problems or trouble, something is wrong about their thinking, conversation, and behavior.

In his book Wetherill explains the outcome that results from attempted violation or disregard for nature's behavioral law. As with all natural laws, this law is also self-enforcing. Persons who deviate from what is right install in the recesses of their minds the wrong thinking that was used to justify such behavior.

While Wetherill's book *RIGHT IS MIGHT* was written in 1950, its contents are as applicable in 2010 as they were sixty years ago—perhaps even more so—and because Wetherill could not find a publisher willing to go out on a limb for honesty and right action in 1950, the manuscript was simply filed.

After his death in 1989, the manuscript was found among his papers, and it was carefully edited to delete some dated material, but the principles of right behavior that he put into words are ageless. They are all preserved.

RIGHT IS MIGHT tells the reader how honesty and rightness are achieved in a person's private and public life. It also describes the exciting developments in the lives of persons who had applied the formula for successful living

A reader might ask, "What did they do?"

Following Wetherill's suggestions they recognized the challenges of life and met life head on; squared themselves with their consciences; did what could be done to improve conditions; and made sure that every personal decision was completely honest.

People who do that do not fear the future. They know that the key to every virtue is honesty, so they wage an intentional campaign of unwavering honesty.

Adopting that dynamic formula for success benefits everybody on earth. It will benefit posterity. Before it benefits others, the person who adopts it is the first to benefit. Rational, honest thoughts and behavior is a formula not open to abuse. Nobody can cause trouble for others or for himself by using it. Not using that formula causes trouble for everybody.

The last paragraph of *RIGHT IS MIGHT* reminds us, ***"It is helpful to recognize that what is wrong in life is based on emotional unreality and is temporary. What is right in life is part of the reality that unfailingly endures, establishing the principle that RIGHT IS MIGHT."***

Visit our Website www.alphapub.com where essays and books (including Right Is Might) describe changes called for by whoever or whatever created natural laws. Read, download, and/or print the material free! Press a button to hear site pages read aloud, except for the texts of the seven books.

This message is from a self-financed, nonprofit group of former students of the late Richard W. Wetherill. By May of 2010 our Website had over 50,000 American and worldwide visitors. We invite your help to direct others to alphapub.com to learn how to find the ***examined*** *life that is well worth living.*

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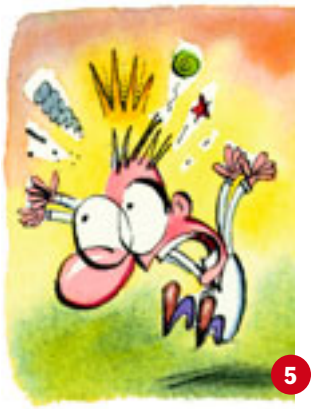
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Scuttle the USS *Murtha*

Every now and then the congressional habit of naming federal programs and structures—buildings, aircraft carriers, courthouses, grants and scholarships, military installations—after members of Congress is not such a good idea. THE SCRAPBOOK remembers with fondness, for example, the 1977 bribery case against former Rep. Edward A. Garmatz, D-Md., which was prosecuted in the Edward A. Garmatz Federal Courthouse in Baltimore. (The charges were eventually dropped when a witness proved unreliable.) Now the Navy might be about to perpetrate a similar embarrassment.

That's because Secretary Ray Mabus, a former Democratic congressman and governor of Mississippi, has decided to name a new San Antonio-class warship after Rep. John Murtha, D-Pa., who died in February. This proposal has caused something of a sensation on the Internet, and especially among Marines. Not because Murtha was himself a Marine—as he was, serving as an officer in Vietnam and in the reserves while a member of Congress—but because, after he turned against the Iraq war in 2005, he declared publicly that Marines accused of killing civilians in Haditha had done so "in cold blood." At the time of Murtha's outburst, no formal investigation of the incident, much less trial, had taken place; and as it happens, charges against six Marines were eventually dropped, one was acquitted, and one more awaits trial on reduced charges in the case.

Rep. John Murtha

A fair number of Marines, along with people who have never been Marines, find the prospect of honoring Murtha by naming a naval vessel—that would, among other things, transport Marines in and out of combat—after him to be especially disheartening. THE SCRAPBOOK agrees. We acknowledge Murtha's honorable record of military service—but there are dozens, even hundreds, of veterans (including onetime members of Congress) more deserving of the honor than a famously disagreeable politician who used his considerable powers as a congressman to publicly slander fighting Marines in Iraq.

There is another reason to think twice before naming an American warship for John Murtha: He was not honest. Routinely cited by Citizens for Responsibility and Ethics in Washington, and various news organizations, as one of the most corrupt members of Congress, he was notorious for his hostility to ethics legislation and famous for the hundreds of millions of dollars in earmarks he shunted toward his district—including defense appropriations for companies that employed his brother and a former staffer. You can also watch a 1980 video of Murtha on YouTube expressing interest in a $50,000 bribe proffered by an undercover FBI agent in the Abscam sting.

In the end, prosecutors decided not to indict Murtha in Abscam, and he testified against two fellow Democrats who had been indicted. But to watch and listen to the late congressman in action on that video—with his customary combination of profanity and boastfulness—is to make the idea of a USS *Murtha* especially grotesque. ♦

'South Park' Goes South

Some, not all, Muslims object to depictions of the Prophet Muhammad on religious grounds. Among those who do object there is a smaller element whose fanaticism and violence cast a harsh light not only on Islam but on the moral courage of the non-Muslim world.

This was dramatically demonstrated five years ago when the Danish newspaper *Jyllands-Posten* published a series of satirical cartoons depicting the prophet, which resulted in mayhem and killings in the Middle East by radical Muslims. That, in turn, was followed by a book on the controversy, *The Cartoons that Shook the World* by Jytte Klausen, which appeared last year. Unfortunately, the publisher, Yale University Press, declined to print the actual cartoons in the book out of fear that they might inspire the wrath of Islamicists. This craven action by Yale, one of the world's leading academic publishers, was taken on the advice of a panel of experts (including Fareed Zakaria, '86, of *Newsweek*) assembled by the press. This past January an axe-wielding Somali Muslim attempted to murder one of the cartoonists, Kurt Westgaard, at his home in Denmark.

Alas, THE SCRAPBOOK is not especially surprised that institutions such as *Newsweek* and Yale—longtime beneficiaries of the Western tradition of academic freedom and enlightenment—should be so easily intimidated by the enemies of human liberty. But we were genuinely surprised—and in a melancholy way, amused—by the surrender of Comedy Central, the cable TV network, two weeks ago when its freedom of speech was challenged by an Islamicist website.

South Park, the popular and all-purposely offensive animated series, recently featured the Prophet Muhammad in one scene dressed in a

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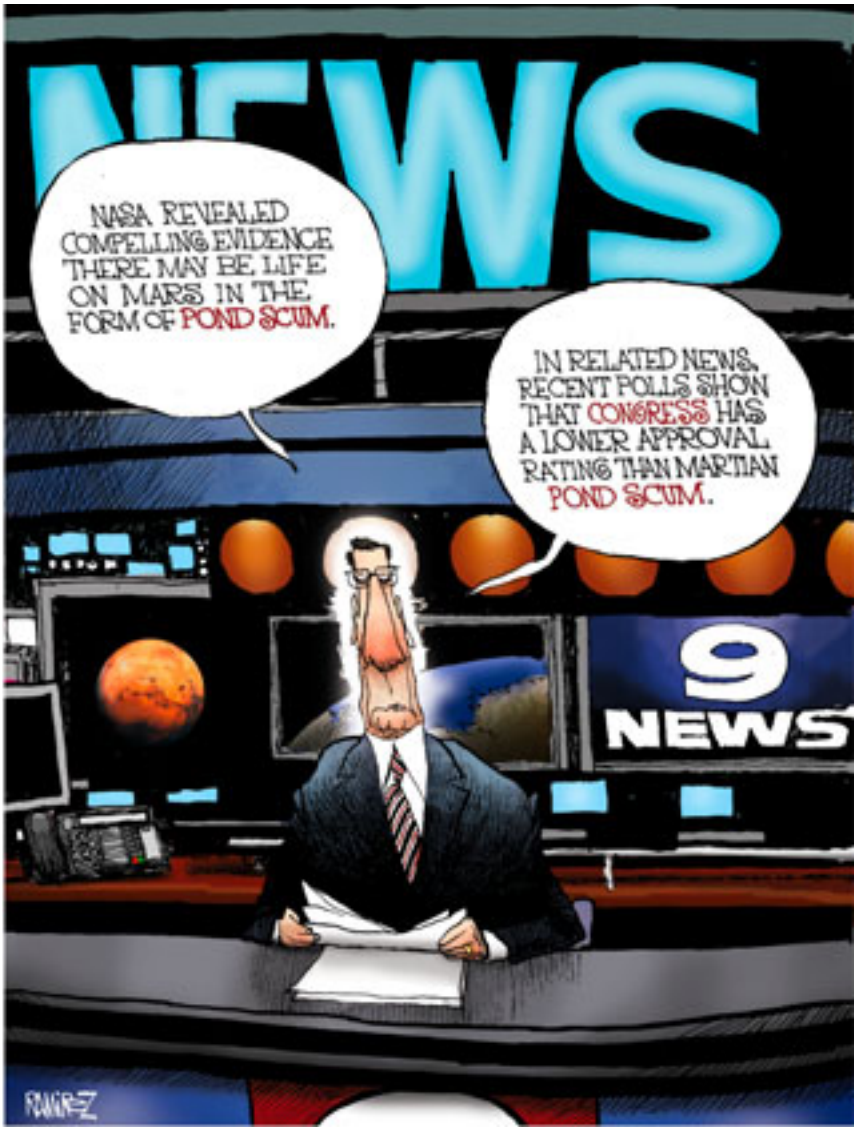
bear suit, which was censored by Comedy Central, followed by a speech on intimidation and fear, which was heavily edited. Comedy Central's action was taken in response to threats from one Abu Talhal al Amrikee, a Muslim convert/blogger whose real name is Zachary Chesser, who had vowed to kill *South Park* creators Matt Stone and Trey Parker, and emphasized his threat by posting photographs of Theo van Gogh, the Dutch film director stabbed to death by a radical Muslim in the Netherlands.

Comedy Central, it need hardly be said, is the self-described "edgy" network that is home to Jon Stewart and *The Daily Show* and is not famous for its gentle treatment of satirical targets. But one threat from an Internet psychotic, on behalf of religious bigotry, and Comedy Central revealed the spine of an overripe banana.

No, The Scrapbook is not disappointed in Comedy Central under the circumstances, since The Scrapbook had no expectation that Comedy Central would do the right thing. But even the purveyors of *The Colbert Report* must surely understand that the freedom they enjoy to say and do what they want—and make truckloads of money in the process—comes at a price, and the cost goes up for everyone when Abu Talhal al Amrikee runs Comedy Central. ♦



Spilt Oil

The news Friday that the Obama administration is halting new offshore oil drilling in the wake of the Deepwater Horizon platform disaster in the Gulf of Mexico is unsurprising given the media's DefCon1 level of hysteria. But the paradox is that it is precisely the rarity of offshore drilling disasters of this kind that skews our perception of risk.

The Scrapbook's go-to energy adviser, Steven F. Hayward of the American Enterprise Institute, emails: "If we were truly concerned about minimizing risks of oil spills in the ocean, we'd cut back on shipping oil by tanker. The amount of oil spilled in tanker accidents dwarfs the amount spilled from drilling rig accidents. (The long-term global trend of oil spills from all sources is down, despite the increase in both offshore drilling and oil shipped by tanker.)

"The Deepwater Horizon spill," Hayward tells us, "is on course to match or exceed the *Exxon Valdez* spill in 1989. But the *Exxon Valdez* spill was only the 35th largest tanker-related spill over the last 40 years. Since the *Exxon Valdez*, there have been seven larger tanker spills; the ABT Summer disaster off the Angolan coast in 1991 spilled seven times as much oil as the *Exxon Valdez*, but received hardly any media coverage in the United States. And while it is too early to know how extensive will be the damage to Gulf Coast shoreline ecosystems, it is not too early to expect that many dire predictions will be proven wrong.

"This has been the pattern since the Santa Barbara oil spill of 1969. A hastily assembled White House panel of experts concluded that it might take 10 to 20 years to stop the still-seeping oil in the Santa Barbara Channel. It took only a few weeks. Another group of experts forecast that with the number of rigs operating in the channel, a similar blowout could be expected to occur on average once a decade. There hasn't been another one in the channel since. Dire predictions of the permanent loss of wildlife and damage to the channel's ecosystem became a daily refrain. But as *Time* magazine

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reported five months after the spill, 'dire predictions seem to have been overstated. . . . Now, four months later, the channel's ecology seems to have been restored to virtually its natural state.' A multi-volume study by the University of Southern California two years later concluded that 'damage to the biota was not widespread.'

"No energy source is risk-free or environmentally benign; just ask West Virginia coal miners, or check up on the avian mortality of wind power, or the potential disruption of desert ecosystems from proposed large solar power projects, or, indeed, the additional pollution of the Gulf coast from ethanol production. The greatest risk of all is the inability to weigh tradeoffs." ♦

In Fairness to Fab

The Scrapbook preached a little sermon last week to Goldman Sachs trader Fabrice Tourre about the virtues of being discreet in one's emails. The SEC had made him an international symbol of reckless financial manipulation by releasing excerpts from a 2007 email he had written to a girlfriend in London, where they both worked. As it happens, the day after we went to press, the Senate released a few dozen Goldman emails, among which was the full text of the infamous "fabulous Fab" email. It may or may not surprise you to learn that the SEC excerpts were highly tendentious. Here is the full text, with the SEC's selections in bold. All the ellipses are in the original:

> Darling you should take a look at this article . . . Very insightful . . . **More and more leverage in the system, l'edifice entier risque de s'effondrer a tout moment . . . Seul survivant potentiel, the fabulous Fab** (as Mitch would kindly call me, even though there is nothing fabulous abt me, just kindness, altruism and deep love for some gorgeous and super-smart French girl in London), **standing in the middle of all these complex, highly levered, exotic trades he created without necessarily understanding all the implications of those monstruosities!!!** Anyway, not feeling too guilty about this, the real purpose of my job is to make capital markets more efficient and ultimately provide the US consumer with more efficient ways to leverage and finance himself, so there is a humble, noble and ethical reason for my job ;) amazing how good I am in convincing myself!!!
>
> Sweetheart, I am now going to try to get away from ABX and other ethical questions, and immediately plunge into Freakonomics . . . I feel blessed to be with you, to be able to learn and share special things with you. I love when you advise me on books I should be reading. I feel like we share a lot of things in common, a lot of values, topics we are interested in and intrigued by . . . I just love you!!!

Okay, not The Scrapbook's idea of how to woo a young woman, but that aside, it's worth pointing out that the bit about "more and more leverage" in the system, and how "the whole building is about to collapse" is, as Courtney Comstock of *Business Insider* pointed out, a synopsis of a *Financial Times* article he had attached to the email. The "fabulous Fab" moniker, in context, seems a little more of an inside joke and a little less self-aggrandizing. In short, the SEC set out to make Tourre look like a malicious Master of the Universe, rather than the callow, somewhat boastful, out-to-impress-his-girlfriend young man revealed in the full email. Shame on them. ♦

Sentences We Didn't Finish

'After all the work that has gone into knitting together this bipartisan [climate/energy] bill, which has the support of key industry players, it would be insane to let this effort fail. Fortunately, on Tuesday, Reid was hinting about a compromise. But, ultimately, the issue isn't just about introducing a bill. It's about getting it passed. And there we are going to need the president's sustained leadership. President Obama has done a superb job in securing stimulus money for green-technology and in using his regulatory powers to compel the auto industry . . . " (Thomas L. Friedman, *New York Times*, April 28). ♦

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Why Cry Over Split Milk?

I was reading along in an article in the *New York Times Magazine* about a woman who reacted to being fired from a rather cushy job by working out her depression through overeating, when I came upon the following sentence: "I put the plate of peanut better, a half bottle of wine, a glass and a linen napkin on a tray and climbed back to my bedroom." Ah, thought I, "peanut better, what can be butter?"

Why do people take such pleasure in discovering typographical errors—typos, in the trade term—especially in putatively august publications? I confess I do. Is there a touch of *Schadenfreude* in it? Not so much "see how the mighty have fallen" as "see how sloppy, sadly incompetent, bereft of standards they have become." Catching a typo heightens the reading experience, making a reader feel he is perhaps just a touch superior to the author, his or her editors, and, it does not go too far to say, the culture of our day.

My own pleasure in discovering typos is, alas, less than complete because of the typos readers have found—and too often reported to me—in my own published scribblings. I am less than a demon proofreader, especially of my own writing. I have published books with smaller publishing companies in which I found it necessary to hire a professional proofreader to go over my galley or page proofs. This, though, didn't ensure the books in question were typo-free. Few things are more demoralizing than a letter from a reader, even a friendly reader, who, after praising you, notes: "By the way, on page 273, where I think you meant the word content the word context appears. I mention this, not in a spirit of gotcha, but so that you can correct it for the second edition of your fine book."

Ah, yes, the second edition. "The rare editions of my books," wrote Reggie Turner (friend of Max Beerbohm and Oscar Wilde), "are the second editions." The dark little joke here is of course that not infrequently there is no second edition, and so one's books remain in the world permanently marred by typos.

HAL MAYFORTH

I used to receive letters from a dermatologist in Ohio who in his first two paragraphs would praise my books extravagantly, and then in his final paragraph would point out a number of orthographical and grammatical errors. (Often they weren't errors at all, but let that pass.) When one of his letters arrived, I would open it with the trembling hands of a man opening a longhand-addressed letter from the IRS. Finally, I wrote to tell him that I would prefer to receive no more of his letters. A nice man, he answered by saying that he understood, but on this matter of corrections, he just couldn't help himself.

Such typos in my own writing as have been called to my attention have thus far been neither comical nor decisive in blocking my meaning. And for that I am grateful. I once heard a story—apocryphal or not, I do not know—that the poet and critic Delmore Schwartz wrote an elaborate interpretation of a T.S. Eliot poem based on a typo in the poem. A writer I know once sent me an email in which he recounted answering an annoying copy editor who queried the meaning of the word *chapeau* by drawing a line out into the margin of his proof and, in parentheses, noting, "(It's a hat stupid)," only to find his correction appear in the finished text of his book: " . . . *chapeau* (it's a hat stupid)."

There's no precise way of knowing, of course, but it often seems there are more typos today than ever before. Books published several decades ago had a feeling of solidity, of permanence about them that didn't allow for typos and other editorial slovenliness. I read somewhere that there has never been a typo in the *National Geographic*; it would be nice to think that this is true. I have discovered typos in the *New Yorker*, the *Times Literary Supplement*, and every other magazine I read.

My own guess is that writing with computers and computer printing—spellcheck devices notwithstanding—have added to the GNT, or gross national typos. I would add to this the disappearance of the kind of steadfast person who copyedited and proofread professionally, and who took a justified pride in her (often women occupied such jobs) work, and didn't keep a screenplay she was working on in the lower left drawer of her desk.

The secret of excellent proofreading is caring intensely about getting things right and loathing error with an intensity that perhaps only fascism or an alimony-collecting ex-wife deserves. Such people appear to have departed the earth, and don't figure soon to return. Might as well relax, sit back, and enjoy the typos one finds while having a peanut better and jolly sandwick and a cold glass of mulk.

Joseph Epstein

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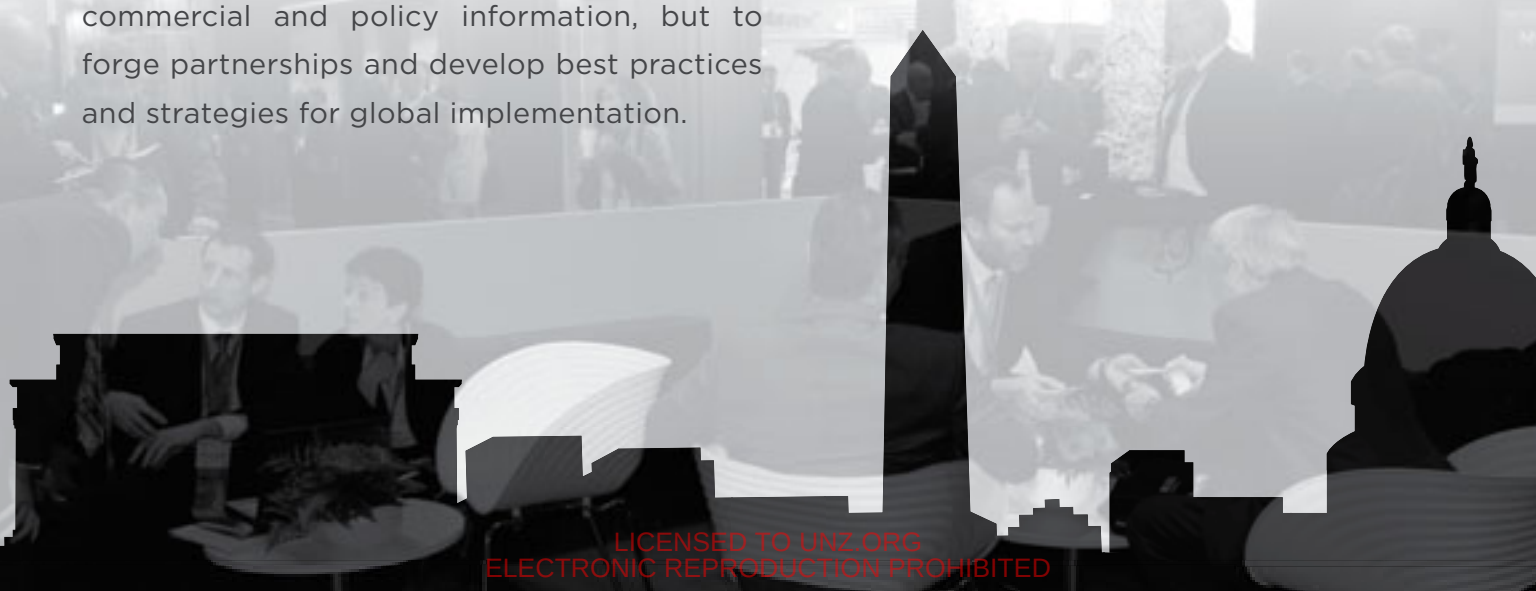

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the weekly Standard

Release and Cover up

On May 1, 2009, Republican senator Christopher Bond wrote to President Obama with questions about the handling of detainees from Guantánamo Bay. Bond, vice chairman of the Senate Intelligence Committee, was concerned about reports that an increasing number of transferred detainees were going "back to the battlefield to kill American soldiers." He asked a series of specific questions about the detainees and the process for releasing or transferring them.

Almost a full year later, on April 19, 2010, Bond received a response from the Justice Department, which Obama had designated as the lead agency on the detainee task force. Assistant Attorney General for the Office of Legislative Affairs Ronald Weich wrote offering a vague description of detainee review process and promising that the detainee task force made its decisions only after a "careful examination of the available and relevant information pertaining to each detainee."

Blah, blah, blah.

For more than a year, Obama officials, with the Justice Department in the lead, have hidden crucial information on detainees from the public. They have refused to discuss the decisions of the Guantánamo Bay task force or to identify the 60 individuals who serve on it. They have declined to provide information on the detainees that have been transferred or released. And they have ignored repeated requests for specifics on the growing number of former detainees who have returned to jihad—terrorists that the U.S. military is now fighting in Afghanistan, Pakistan, Iraq, and beyond.

In the last year and a half, the estimated number of Gitmo recidivists has tripled, from 38 to 112.

The recidivist group is growing. The Weekly Standard has learned that the Pentagon has an updated version of its "Return to the Battlefield" report, which tracks Guantánamo Bay recidivism. The percentage of known or suspected recidivists is now "north of 20 percent," according to a source familiar with the latest data.

In June 2008, when the Pentagon released its first report, the estimated number of recidivists was just 37. In January 2009, that figure had climbed to 61. By April 2009, it was 74. In February 2010, following reports in this magazine and other media outlets that the number of recidivists had spiked, White House counterterrorism chief John Brennan acknowledged that the recidivism rate had reached 20 percent. A stunning 112 of the 560 detainees who had been transferred or released had returned to jihad. In just a year and a half, the estimated number of Gitmo recidivists tripled.

Brennan had a ready response. "I want to underscore the fact that all of these cases relate to detainees released during the previous administration and under the prior detainee review process," Brennan said. "The report indicates no confirmed or suspected recidivists among detainees transferred during this administration, although we recognize the ongoing risk that detainees could engage in such activity." It is a fair point, though a strikingly political one for a counterterrorism adviser.

Given these problems, one might reasonably expect the rate of transfers and releases to slow, or to halt altogether. To the contrary, the Obama administration just decided it was going to do it smarter. "We believe that significant improvements to the detainee review process have contributed to significant improvements in the results," Brennan said.

Or maybe it's just that not enough time has passed. "It typically takes 12-13 months for us to obtain enough information to count someone as a recidivist," says Representative Pete Hoekstra, ranking Republican on the House Intelligence Committee. Typically, but not always.

According to reporting by frequent Weekly Standard contributors Thomas Joscelyn and Bill Roggio, in December 2009, the Obama administration returned an Afghan named Abdul Hafiz to his home country. Hafiz had been sent to Guantánamo after he was implicated in the murder of a Red Cross worker. U.S. Special Forces apprehended Hafiz in 2003. Despite the fact that U.S. intelligence officials had determined that Hafiz was a suspect in the charity worker's murder and had ties to senior Taliban leaders, the Obama administration released him. Hafiz is now a Taliban commander and reportedly hunting charity workers once again.

Sources familiar with the updated "Return to Battlefield" report tell us there may well be other Obama-era recidivists on the list. The Weekly Standard has requested a copy of the report—and have made such requests repeatedly since the fall—but are not optimistic that we'll get one. Still, we haven't given up hope.

Neither has Senator Bond.

"I hope President Obama will prove his commitment to transparency by shining light on the dangers Gitmo graduates pose to our national security. If this administration is going to move forward with releasing these terrorists after we now know that more than one in five return to the battle-

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field, the American public have a right to know the details."

On April 19, the same day that Bond received his non-response response from the Justice Department, nearly a year after he sent his initial letter, Robert Gibbs reiterated Obama's commitment to open government.

"This is the most transparent administration in the history of our country," the press secretary insisted.

—Stephen F. Hayes

The Bully Party

The omens are everywhere. Iran is close to obtaining nuclear weapons. The eurozone is in crisis. The U.S. unemployment rate is near 10 percent. America's social insurance programs threaten to bankrupt the country. And—most unusual—the Washington Nationals are above .500.

But rest easy. None of this is distracting the Obama administration and congressional Democrats from their fulltime occupation: demonizing the political opposition.

Consider the debate over financial reform. This is a complex issue where both parties share the same (perhaps unachievable) goal: preventing another systemic financial crisis that requires massive taxpayer bailouts. And free-market conservatives have real concerns about Senator Chris Dodd's legislation. Take, for example, the proposed resolution authority's credit guarantees for large, complex financial institutions on the brink of failure. The worry is that the market will interpret these loopholes as signs the government will never allow such firms to go under. If that's the case, Too Big to Fail lives on.

Rather than engage with these objections, however, the president has decided to slime the Republicans as defenders of the status quo. He's deployed the same army of straw men, the same Manichean oratory, that he used during the health care fight. In his April 22 speech at Cooper Union, for instance, President Obama divided the world into those who "join me," and those who support the "battalions of financial industry lobbyists descending on Capitol Hill." For the president, the only middle ground is where he's standing. Reasonable alternatives to his policies simply do not exist. It is Obama alone who determines which arguments are "legitimate" and which are "misleading." It's rhetorical blackmail: Agree with me, the president is saying, or I'll call you a liar and a hack.

Not long ago, of course, sophisticated opinion was offended by a president who divided the world into good and evil. But no one seems to care anymore. Nor does anyone seem particularly bothered by the president's redefinition of political compromise. Under the old definition, an accommodation took place when both parties negotiated over the fine points of the matter at hand. They brokered deals such as the Gang of 14 agreement on President Bush's appellate court nominees in 2005. But the problem with the old way is that it hinders Obama's ability to score political points and rack up dubious legislative "accomplishments" before the midterm elections. So it's been replaced by a version of compromise that is indistinguishable from ideological surrender.

On financial reform, good-faith discussions between Dodd and ranking Republican Richard Shelby were slowing the president's post-health care momentum. Hence last week's bizarre spectacle in which Senator Harry Reid held three cloture votes to end debate and bring the Dodd bill to the floor. Obama and Reid know the Dodd bill will pass with bipartisan support. But they held the votes so they can run 30-second spots in October that say the Republicans serve Wall Street. Never mind that the big banks support the Dodd bill. Never mind that the employees and PAC of our Public Enemy Number One, Goldman Sachs, have made the bank the largest corporate contributor to the Democratic party since 1989. As was the case with the stimulus and health care, facts are less important than hectoring the GOP.

The Democratic response to dissent is a lot like their governing style: partisan, arrogant, and self-righteous. In recent weeks, various Democratic factotums have lectured the public about "extreme" rhetoric, insinuating that the Tea Party takes its cues from *The Turner Diaries*. Some liberals suffer from a pathological inability to refer to the Tea Party by its name, preferring a crude and infantile sexual epithet. The folks waving signs and holding peaceful rallies have been insulted as fakes, wackos, ignoramuses, racists, nihilists, and hicks suffering from status anxiety. But when a poll revealed the Tea Party movement is better educated and wealthier than the electorate at large, a prominent *Washington Post* columnist summarily dismissed the movement as the "populism of the privileged." The lines of attack change, but the message is always the same: Go home. Shut up. Let us do what we want.

There's a word for this sort of overbearing, priggish intimidation: bullying. And like a lot of bullying, the Democrats' behavior seems to stem from deep-seated insecurities. Maybe the Democrats are not as confident in government as they appear. Maybe they worry about the massive deficits and the hemorrhaging public debt. Maybe they read the same polls we do, the ones showing the public shifting right, Republicans leading the generic ballot, Republican-leaning independents returning to the GOP, congressional approval and support for incumbents at record lows, and the conservative base in a state of wild enthusiasm. Maybe the bully party, in other words, is simply acting out.

—Matthew Continetti

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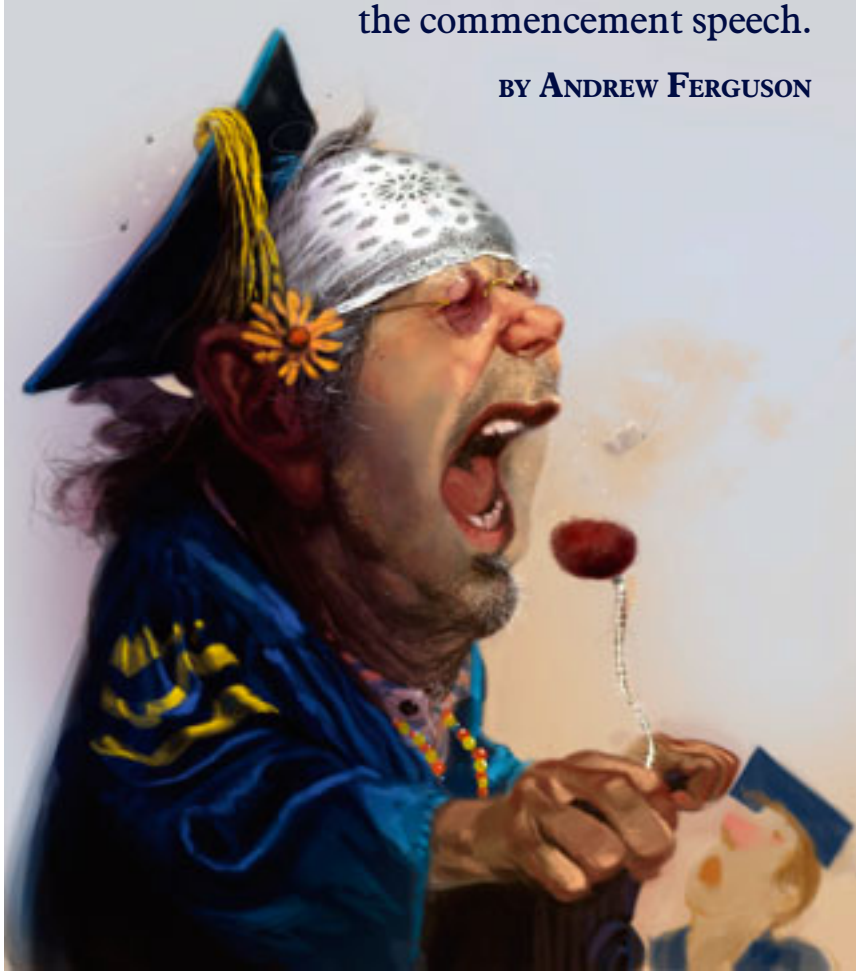
Advice to Graduates

Sleep through the commencement speech.

BY ANDREW FERGUSON



THOMAS FLUHARTY

The sunlit season of college commencement has been darkened this year with news of plagiarism. The school paper at Connecticut College, the *College Voice*, reported last month that one of the speakers at last year's commencement, a graduating senior called Peter St. John, wowed his audience with a speech that had been lifted paragraph by paragraph from another commencement address given at Duke in 2008 by the writer Barbara Kingsolver.

The incident raises all the usual grisly plagiarism questions, some easier to answer than others. Ask why St. John stole another person's words, and the answer is obvious: He couldn't come up with a speech on his own, so in a display of bad character, he took what wasn't his. Ask why, with all the words in the world to choose from, he stole *Barbara Kingsolver's* words, and the answer is . . . I'm stumped. Her Duke speech is a sopping thing, wet with cloying sentiment and precious humor, limp with exhausted ideas and easy flattery, an updated version of the Robert Fulghum 1980s gagfest *Everything I Need to Know I Learned in Kindergarten*. In my opinion.

But what do I know? It turns out that among commencement buffs, Kingsolver's address has become legendary, a classic. It was a big hit even coming out of the mouth of St. John the word bandit, who spoke on the same podium as the keynote speaker, the feminist professor Martha Nussbaum. "St. John's speech was by far the most well-received of Commencement," the *College Voice* noted in its report, "more relatable and persuasive than even Nussbaum's." Try being more relatable than Martha Nussbaum. It's not easy.

As the mists close around the retreating memory of our own commencements, some of us have evidently lost touch with the genre of the graduation day address. Kingsolver's speech, says *Inside Higher Ed*, is "a talk that turns up on some lists of the best commencement talks ever." From what I've seen, it turns up on all the lists, usually near the top. They show remarkable unanimity, these top 10 lists, and the speeches they rank are evidence of the shifting nature of generational expectation. In any given era they reveal what we want our children to know as they enter the wider world, brimming with youthful vigor and optimism, eager to make the rest of us feel crapulent and obsolete.

In a nod to the past and as a gesture of continuity, every list of the best commencement speeches has a token appearance by at least one dead person. *Time* magazine, in a list got out last year, was typical in including the address delivered at Harvard by George Marshall in 1947 and President Kennedy's speech at American University in 1963. Marshall used his speech to announce his plan to rebuild the postwar European economy, and Kennedy used his to argue for an international ban on the testing of nuclear weapons.

What strikes you most about these remarks is their elevated tone. To the youthful ear they must sound Victorian in their formality. "I need not tell you gentlemen that the world situation is very serious," the jowly old sec-

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retary of state rumbled to the Harvard Class of '47. "I commend all those who are today graduating," Kennedy said at American, and went on to quote Woodrow Wilson's assertion that "every man sent out from a university should be a man of his nation as well as a man of his time."

"I am confident," Kennedy continued, "that the men and women who carry the honor of graduating from this institution will continue to give from their lives, from their talents, a high measure of public service and public support."

Both speeches go on to offer an interpretation of world events and to make a fairly complicated argument about what should come next. The words and their seriousness lend the occasion the weight of a rite of initiation, with one adult addressing an audience of his freshly minted peers: *You're all grown up now, so your mother and I think you're old enough to understand what I'm about to tell you.* The terms are cordial but not intimate. This was back before the epidemic of first-naming made intimacy mandatory in social interaction and speech. Remarks like these must have served at least to delay the epidemic. It's not easy to imagine a graduate of '47 crossing the stage in Harvard Yard, taking his diploma from the secretary of state, and saying, "Thanks, George."

Today's successful speaker, if he is to be relatable, will toss phrases like "men and women" and "ladies and gentlemen" to history's compost. In my recent studies I may have found the transition point, the moment when "I commend these men and women" became "Hey, you guys." Anna Quindlen, a former columnist for the *New York Times*, didn't use that precise phrase in her commencement address, which is almost Kingsolverian in its popularity. But she did perfectly embody the forced chumminess that speakers are expected to assume in front of the spoken-to, as well as the solipsism that underlies it.

"Begin with that most terrifying of all things, a clean slate," she told Mount Holyoke's class of '99. "Then look, every day, at the choices you are making, and when you ask yourself why you are making them, find this answer: for me, for me!"

If you were a graduate today, and you were faced with the choice of listening to a public intellectual like Anna Quindlen or something else, you would do what today's graduates try to do: choose something else. This is much to their credit. And so they choose TV stars. This is less to their credit, but after four years in the world's finest system of higher education it's what they know. Most lists of best commencement speeches include talks by the comedians Conan O'Brien, Jon Stewart, and Stephen Colbert. *Time*, for its part, inexplicably included a speech by the actor who played that White House political adviser on *West Wing*. The balding, redheaded one. He told the class of 2006 at the University of Wisconsin to "be the active hero of your own life."

The comedians, meanwhile, deliver stand-up routines. They offer the

Untangling the Health Care Bill

By Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce

It's been more than a month since President Obama signed the 2,800-page health care bill into law, and the experts are still trying to figure out how it works. If you're having trouble understanding what it means for you, you're not alone. One recent survey found that 55% of Americans are confused by the legislation. Let's try to untangle one of the key provisions of the bill—the new employer mandate to provide health insurance.

At first blush, the mandate seems simple. Beginning in 2014, the government will require businesses with more than 50 full-time employees to offer health insurance that meets minimum benefit standards—as established by the federal government—or pay a fine. But after a second look, even a room full of highly paid lawyers couldn't make sense out of the mandate.

Businesses with more than 50 full-time employees that don't offer health insurance will be subject to a $2,000 fine per full-time employee—provided that at least one employee uses a federal subsidy to purchase coverage. Part-time employees are taken into account when calculating full-time equivalents by dividing the total number of hours worked by non-full-time employees during the month by 120. To further confuse the issue, the first 30 workers are exempt from this calculation. Say, for example, that an employer has 100 full-time employees, does not offer health insurance, and has at least one employee receiving a federal subsidy. This employer would be fined $2,000 on 70 employees—a total of $140,000.

Even businesses that offer qualified health insurance plans could be hit with a fine if the coverage is deemed "unaffordable." This fine comes into effect if an employee is below 400% of the federal poverty level ($88,000 for a family of four), his or her share of the health premium exceeds 9.5% of family income, and the employee uses a federal insurance subsidy. If all three of these criteria are met, the employer would be fined the lesser of $3,000 per each subsidized employee or $2,000 per all full-time employees—exempting the first 30 employees. This is enough to make your head hurt!

Life is much simpler for businesses with fewer than 50 employees—they face no penalties under this mandate. Likewise, firms with more than 50 employees that offer qualified health insurance and have no subsidized employees will not pay a fine.

If all of this seems a bit complicated, well, that's probably because it is! And we have only scratched the bill's surface. Vague and complex regulations like these will determine how one-sixth of our economy operates. That should give all of us pause.

U.S. Chamber of Commerce Comment at www.chamberpost.com.

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graduates a polished and extremely pricey entertainment essentially for free—the cost of an honorary degree; nothing, in other words. Maybe it dawns on them that they're getting taken, because a thin vein of hostility runs through their talks.

"Whenever I hear that song," Stewart said, after the band played his alma mater, "I think of nothing." Colbert appeared at tiny Knox College in Galesburg, Illinois. In the space of a half hour he managed to insult them by pretending not to know the name of their town, dropping the f-bomb twice in front of the assembled grandparents and moms and dads, and ridiculing the name of their sports teams ("The 'Prairie Fire' . . . I assume the 'Flash Floods' was taken").

The graduates roared with laughter. They'd seen him on TV. ♦

Not Your Father's FDR

A comparison that does Obama no favors.

BY FRED BARNES

In the famous first 100 days of Franklin Roosevelt's presidency in 1933, legislation creating the Federal Deposit Insurance Corporation, the Tennessee Valley Authority, and the National Recovery Administration sailed through Congress. So did sweeping initiatives dealing with unemployment, agricultural relief, railroad reorganization, relief for homeowners, banking reform, taxes, a government economy act, and public construction. The bills passed with lopsided bipartisan majorities. There was barely a peep of opposition, partisan, ideological, or otherwise—much less any calls for repeal or incipient movements to roll back any of the New Deal measures. One more thing: FDR was loved (though not by the well-to-do).

Barack Obama is often likened to FDR, chiefly because he's a Democratic president, smooth-spoken, liberal, and confronted by the worst economic downturn since the Depression. But Obama's first 100 days, indeed the entire first 15 months of his presidency, have been quite different from Roosevelt's. An economic stimulus package, housing recovery aid, landmark health care reform, and a government takeover of the college loan program—substantial legislation, for sure—have been approved by an overwhelmingly Democratic Congress. His achievements, however, have been smaller than FDR's: partisan, liberal, and passed despite furious opposition. The health care bill has sparked a repeal crusade. Public approval of his performance as president has dropped below 50 percent.

Why has Obama fallen so short of FDR? It's a fair question and a relevant comparison. After all, the similarity between the two has been touted by his sympathizers in the media, though not so much recently. And the president himself has alluded to it. He hasn't claimed to match FDR, only that he'd put his 100 days "up against any prior administration since FDR." No small boast.

Roosevelt had political advantages that Obama does not. The economy really was crippled in 1933. The jobless rate was 25 percent when FDR was inaugurated. "You're not talking about 9.7 percent," the current rate, says Stephen Hess of Brookings. "It was really a lot worse [in 1933]." Congress was a rubber stamp. "FDR had a clearer path than Obama does," notes Hillsdale College professor Burt Folsom, author of *New Deal, Raw Deal* (2008).

But there's another reason—an important one—why Congress and the public were so receptive to everything FDR proposed and more contrary in Obama's case. The Progressive movement's recipe of government activism still echoed, and the Communist and Fascist models of government control of the economy were fashionable among intellectuals. When FDR unveiled a radical change in farm policy with the Agricultural Adjustment Act, there was virtually no public resistance. The same was true with the explosion of federal spending. His Washington-run programs "had not had a chance to be tried—and fail," Folsom says.

Now they've been tested and have come up short in the minds of millions of Americans, who distrust Washington and regard many government domestic policies as costly failures. When Congress passed the stimulus and a free-spending omnibus budget a month after Obama took office last year, public resistance was almost instant. Nearly all Republicans voted against both bills. Tea parties protested rising spending, soaring debt, and tax hikes. By summer, as the president and Democrats were pursuing their health care initiative, independents who'd voted for Obama began to bolt. Obama, his popularity fading, was not only a victim of history but also guilty of misinterpreting it.

This episode should be encouraging to conservatives. Well before Republican elites were willing to challenge Obama, militant grass-roots opposition to his agenda had erupted. It was largely spontaneous. Republicans couldn't have organized if they'd tried. The meaning of the uprising was clear. The ideas of limited government, less spending, lower taxes, and less debt had a vastly larger following than conservative and Republican leaders, Obama, and the media had realized.

Roosevelt had another advantage over Obama, a small one. Newspaper publishers were hostile to FDR, but the White House press corps liked

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him. He controlled what they wrote by insisting his remarks at twice-weekly sessions with reporters be off-the-record. He decided what they could quote. The reporting tended to emphasize FDR's intentions, not what might result from his policies. Obama, too, had a lovefest with the press until recently. But he dislikes being held accountable and has stopped holding full-fledged press conferences.

Presidential historian Fred I. Greenstein described FDR as "endlessly inspiring" in his book *The Presidential Difference* (rev. ed. 2009). Early in his presidency, Roosevelt stirred the public's morale, giving "a stricken nation a valuable psychological boost," wrote historian David M. Kennedy in *Time*. Can you imagine anyone saying such things about Obama? Perhaps during the 2008 campaign, but not since he's been president. When Obama was inaugurated, 63 percent of Americans believed the country was moving in the wrong direction, according to a Rasmussen poll. Now 62 percent do.

As for political skills, "maybe FDR was just a lot more skillful," Hess says. Forget the "maybe." FDR was a master politician. Obama isn't. Roosevelt didn't delegate; Obama does. Roosevelt personally dominated Congress and controlled the story coming out of Washington. Obama is dependent on Democratic allies in Congress and has lost control of the message. FDR used the bully pulpit sparingly but effectively. Obama uses it relentlessly and ineffectively. FDR kept the public and the political community enthralled until 1937 when he committed an egregious unforced error in his second term. He sought to pack the Supreme Court with six more justices. The 1938 midterm congressional election was a Republican landslide.

For FDR, "the game changes after 1938," says Folsom. For Obama, it's likely to change after 2010 with a Republican resurgence in the midterm election. If it does, it will be because Obama emulated FDR where he shouldn't have (his agenda) but fell short of FDR where he needed to come closer (inspiration, political ability). Simple as that. ♦

Back to the Afghan Future

The return of the Gurkhas.

BY GRAEME WOOD & ANUP KAPHLE

Lashkar Gah, Afghanistan

Last summer, before the U.S. Marines moved into Marja and began doing what Marines do best, the NATO command center in nearby Lashkar Gah—capital of Helmand province—had a small black-and-white poster on its wall. It featured a grinning Asian man, wearing a hat with a chinstrap and carrying a small, cucumber-shaped sword. The caption read: "Gurkhas: Because a big guy with a little knife and a frown isn't as scary as a little guy with a big knife and a smile."

There are about 3,700 Gurkhas in the British army, and until a few months ago they were the dominant presence in Lashkar Gah. Thanks to a long history in the British army, these Nepalese soldiers have a reputation as fearsome warriors. It seems vaguely improbable when you first meet them. Where other soldiers are broad-backed and tall, the Gurkhas are skinny and short. Where others are loud and blustery, the Gurkhas are quiet and reserved. The assumption, which the Gurkhas and their British comrades seem pleased to cultivate, is that their silence is of the tightly wound, steel-nerved kind, and that in battle they strike with deadly precision. The enduring romantic totem of their violence is the kukri knife. When we asked a Gurkha why he would carry a knife to a gunfight, he looked surprised by the question and said "To chop the enemy," as matter-of-factly as if he were talking about preparing dinner.

The Gurkhas' reputation as unsentimental killers has shown no sign of dying down in recent decades. But during their six-month turn in Helmand last year, the signature virtue of the Gurkhas was less their bravery than their culture. NATO has struggled to field soldiers who can relate well with their Afghan counterparts. Nepal is only a few hundred miles from Afghanistan, and Gurkhas share linguistic and social kinships that should make them ideal trainers and partners to the Afghan army. The Gurkhas have a storied past in Afghanistan, too. Gurkha units fought for the British in the Second and Third Anglo-Afghan Wars (1878-80 and 1919).

The Gurkhas' latest Afghan deployment began modestly, with a 45-soldier detachment that joined an initial force of about 380 British soldiers in Helmand. In 2006, they saw their first serious resistance from the Taliban. During a shura in Nawzad, Taliban ambushed 110 Gurkhas. In the six-hour battle, 20-year-old Gurkha rifleman Nabin Rai was hit first in the eye and then in his helmet but refused to be evacuated for treatment. The British papers fawned over a quote from Rai's commander indicating that the Gurkha had played to character, sitting down for a cigarette to shake off the shock from the second hit before quickly returning to duty.

In Helmand the following year, hundreds of Gurkhas took part in Operation Palk Wahel ("Sledgehammer Hit"), where they were tasked with driving away the Taliban from the Upper Gereskh valley and into Musa Qala. The subsequent battle claimed the life of Yubraj Rai, the first Gurkha to die in Afghanistan for almost a century. Two more would be

Graeme Wood and Anup Kaphle were South Asian Journalists Association reporting fellows in Afghanistan in 2009.

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killed before the deployment ended.

But last summer the Gurkhas in Helmand moved from offensive missions to staffing mentoring teams tasked with training the Afghan police. NATO soldiers have so far failed miserably at training the Afghan security services and convincing them to do their job. Even with interpreters the two sides have rarely really understood each other. This is a natural and predictable effect of pairing a force that uses night-vision goggles with one that has never before worn footwear with laces.

A scene last summer at Lashkar Gah's last checkpoint on the road to Kandahar was typical: The British soldiers were supposed to be overseeing the Afghan policemen manning this important post, but mostly they just traded dumb grins and fondled each other's weapons (taking care to check twice to make sure the Afghans' dime-store Kalashnikovs were clear). Trucks passed by, and British soldiers watched in dismay as the Afghans occasionally conducted strange and incompetent searches. One British soldier had a fresh tattoo in what he thought were Dari letters but were in fact pure gobbledygook. He slouched against a wall sullenly, hiding his arm from the eyes of the few literate Afghans, so they wouldn't ridicule him.

But when the Gurkhas arrived, an unlikely communion began. The Nepalese soldiers and the Afghans have a common language—Hindi—because of their shared love of Bollywood. When they talk the affection seems real. A British platoon commander said that policemen would first come to the Gurkhas with intelligence on location of the Taliban or about a possible attack. "It's easier for them to come to the boys because they can communicate with each other," he said. Afghans who stand baffled and tightlipped when a British soldier asks questions will suddenly open up and spill vital details when the question comes from a Gurkha.

The Gurkhas are mostly Hindu, and the Afghans Sunni. But the religious gulf matters little. "Most of these Afghans believe in god. We also believe in god, but they believe in god more than we do," says Shivendra Gurung.

The Gurkhas, whose name comes from a Hindu warrior saint Guru Gorakhnath, are generally very religious. Inside their massive tent at the base in Lashkar Gah, they have lined up idols and images of Hindu gods, and most Gurkhas worship before them before heading out on both routine patrols and major operations against the Taliban. Even those manning the computers and phones at the operations base wear *tikas*, the red forehead dots that mark blessings from the gods.

The Gurkhas, many of whom are in their early 20s, and the Afghan policemen have made easygoing friends. Before going out on operations, the Afghans often buy a goat from nearby villages—the animal is popular in a wide variety of Nepalese dishes—and the two groups slaughter it and share dinner. They smoke cigarettes, recite poems, and joke about which Bollywood actress they would like to marry.

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They know the same movies—and so the same pop songs, as well. Even the older Afghans, whose stern expressions seem so unmatchable with the cheery mincing of a Hindi-pop dance sequence, express enthusiasm.

"Sing a Hindi song for me," a Gurkha asks.

"I can only sing before I go to bed," the policeman replies, caressing his beard.

"Whose song do you usually sing?"

Gurkha rifleman at a checkpoint outside Lashkar Gah, July 2009

"The song where Ajay Devgan [a sort of Indian Kevin Bacon] sings about having his heart stolen," answers the policeman, resting his machine gun, and shyly scratching his head.

This is likely among the first genuine interactions he has ever had with a NATO soldier, far different from painstakingly relayed advice to keep his weapon clean and his boots tied.

The Gurkhas' ability to speak freely leads the Afghans to reveal intimate details that they assume will repulse Western soldiers. The Afghan police freely share dirty jokes and stories about their sexual conquests, generally among young Afghan boys. After hearing one unprintable exploit, a young Gurkha tells a policeman, "You are filthy, very filthy."

The policeman eyes him coyly, responds, "And you are cute, very young and cute."

"Truly filthy," says the Gurkha.

If these interactions sound trivial, that may be because they are. Getting a man to joke with you about the hoary topic of pederasty does not mean he will fight well at your side. Asadullah Sherzad, the Helmand police chief, wasn't sure the Gurkhas' cultural knowledge had made them better mentors for his men. Useful information did pass from Gurkha to policeman and vice versa, but more often the interactions were of a very general type that may have built confidence but did little to increase the police units' effectiveness or to materially weaken the Taliban.

Since mentoring of Afghan National Police and Army has been, up until now, a cornerstone of NATO's policy, the Gurkha example offers a sobering perspective on how fruitless police training can be, even when the trainers have every cultural advantage, and indeed are from a force that was constituted for the express purpose of fighting wars in far-flung reaches of South Asia.

At the worst moments, the Afghan police seemed to view the Gurkhas not as comrades in war but as rich playmates willing to share their modern military toys. The most popular toy was a traffic flare, which the British army shoots in the air to scare off Afghan drivers when they get too close.

At the police station, one policeman asks a Gurkha signalman if he can have one. The Gurkha scolds him, "This is not a toy!"

"I promise not to misuse it," the policeman says. "Anyway, it's not like I'm asking for a grenade." In the end, the Gurkha gives the man a bottle of water, his second of the morning. The policeman snatches it, slightly disappointed, but walks away with a grin.

What little safety the Gurkhas achieved in Lashkar Gah did not inkblot out into the hinterlands. The Gurkhas, for all their virtues as mentors, have historically functioned as fighters. When the Gurkhas rotated out in October, the fight was left largely undone, and the U.S. Marines—a much larger and better equipped force—went on the offensive.

Part of the reason for this has been structural: The British military has time and again complained about lacking key resources, such as adequate serviceable aircraft to conduct large-scale autonomous attacks. But it is also a result of a different attitude toward the incorporation of Afghan forces into military operations.

In the Marja offensive, the Marines aimed to field an Afghan soldier for every Marine deployed—though they only managed a one-to-two ratio at the start of the operation—and they hardly ever stop aspiring to Afghanize the fight (and even moved quickly to Afghanize the peace, installing a readymade Afghan government for Helmand after the assault). What differs from the Gurkha model is that unlike the British, the Marines possess enough resources to both clear the area thoroughly first and then deploy for more culturally sensitive missions—which is the stage where the Gurkhas could prove most useful.

Firm footholds have softened and crumbled before, of course. But if the Marines' Marja operations succeed, and Helmand is safe enough to try police training again, the Gurkhas will be back there soon. The British government is set to send 1,200 more of them to Afghanistan this year. Whether to swap Bollywood duets, to fight, or both is yet to be seen. ♦

ANUP KAPHLE

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The Beach House Bailout

Another terrible idea from the folks who brought you Obamacare. BY ELI LEHRER

Those who think the federal government needs even more debt and more responsibilities will love Florida Democrat Ron Klein's Homeowners' Defense Act. Everyone else should treat the bill—currently moving forward in the House of Representatives—with a great deal of skepticism. The proposal, intended to reduce homeowners' insurance premiums, turns the federal government into the insurer of last resort for many of the most disaster-prone homes in the country. Since the great bulk of the bill's potential beneficiaries and current advocates live on or near hurricane-prone beaches, it's quite fair to think of the bill as a bailout for them—a beach house bailout.

The Homeowners' Defense Act sets up a Fannie Mae-style "private" consortium, with a board made up of government officials, to underwrite catastrophic natural disaster losses for private homeowners' insurers, requires Treasury to lend money to states that suffer natural catastrophes, and provides loan guarantees to a Florida hurricane catastrophe fund and to California's government-mandated earthquake insurer. According to the bill's supporters—Klein, an assortment of other politicians, and a small handful of big insurance companies—all of this would cost taxpayers nothing, as the legislation requires the consortium to break even and states to pay back loans they receive.

Attractive as it may seem on paper, the idea cannot possibly work, because it violates the risk-pooling principles at the heart of insurance. "Primary" insurance companies like Allstate, Nationwide, and CNA buy insurance of their own, called reinsurance, to manage and pool risk. The reinsurers that sell this type of coverage invariably operate around the globe. A large reinsurer like Warren Buffett's Berkshire Hathaway might simultaneously underwrite the risk of an industrial accident in Japan, a flood in the U.K., a hurricane in Florida, and a cyclone in Australia. Since there's almost no chance that all of these events will happen at the same time, the reinsurer can profit from the premiums it earns on one type of coverage even when it pays out mammoth claims on another.

Rep. Ron Klein's Homeowners' Defense Act turns the federal government into the insurer of last resort for many of the most disaster-prone homes in the country.

All other things being equal, a broader, more diversified pool results in lower premiums. Klein's bill actually narrows down the pool by encouraging states to concentrate risk here in the United States under the aegis of federal guarantees. Thus, to break even, the government would have to charge higher premiums and interest rates than the private sector for any coverage or guarantee it provides. This means that if it hopes to sell any coverage at all, the government will have to under-price it and thus leave taxpayers with nearly limitless liabilities.

The federal government's one similar existing effort—the National Flood Insurance Program—shows how Klein's proposal would probably work in practice. Since it began selling homeowners' flood coverage in 1968, the flood program has repeatedly violated the statutory mandates that it break even on most coverage it sells. It has run up debts of around $19 billion and, even after a four-year run of very mild flood seasons, has made almost no progress in paying them back. Congress has always lifted debt caps and spending limits attached to the flood program since they get exceeded following major disasters, when the only other choice would be to let the program run out of cash. As a result, nearly everyone who has taken a look at the program agrees that the federal government will eventually have to forgive the debt.

Like the flood program, furthermore, the catastrophe insurance programs Klein favors would lower insurance costs and decrease credit risk for developers and real estate agents interested in building in currently wild coastal and floodplain areas. (Building in these areas both puts more people in harm's way and, since wetlands absorb storm surge from hurricanes, potentially increases inland damage.) As a result, real estate agents and homebuilders have joined some insurers in support of the bill, while environmental groups like the National Wildlife Federation and Sierra Club have joined forces with small-government bedfellows, including Grover Norquist's Americans for Tax Reform, Dick Armey's FreedomWorks, as well as a larger number of insurers and a variety of insurance industry groups, to oppose it.

The fundamental unfairness of the bill has attracted centrist organizations like the American Consumer Institute and Taxpayers for Common Sense to join the opposition as well. In fact, two parts of the bill—intended to provide a federal backstop for existing state catastrophe funds—would benefit only Florida and California.

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(Other states don't have the legal structures to receive the guarantees the bill provides.) Likewise, the main beneficiaries would be people who live near the beach, and, as Dan Sutter of the University of Texas Pan-American has shown, coastal counties in hurricane prone states are generally wealthier than inland counties. In Klein's hometown of Palm Beach, in fact, the State of Florida provides subsidized insurance through the Florida Citizens Property Insurance Corporation for waterfront mansions worth up to $2 million—many of them second homes.

While some California and Florida Republicans support Klein's effort, most of its supporters come from the Democratic caucus mainly because the House Democratic leadership—interested in boosting the vulnerable Klein—has gotten strongly behind the bill. On the other hand, a similar bill to add wind coverage to the national flood insurance program went down to a 74-19 defeat in the Senate in 2008. And although Barack Obama supported a different version of Klein's measure on the campaign trail and in the Senate, his administration has come out against the wind proposal and remains silent on Klein's current bill.

For all of the manifest flaws of Klein's proposal and its uncertain future in the Senate, it passed out of committee last week and seems likely to move towards the House floor. The bill presents a classic case of a public policy with diffuse, difficult-to-calculate costs and concrete, easy-to-measure benefits. On one hand, the U.S. Treasury will end up owing billions of dollars (that it will eventually have to collect in taxes)—but only after a major storm hits. On the other hand, the proposal will deliver immediate increases in profits to some insurance companies, open up new opportunities for developers, and shave a few dollars off the insurance premiums for owners of hazard-prone properties—i.e., beach houses.

The Homeowners' Defense Act is one of the very worst pieces of public policy with serious support in the current Congress, and that's saying something. ♦

Protesters at a log dump in Central Highlands, Victoria, Australia

Ecocide: a Crime Against Peace?

Just when you thought the environmental movement couldn't get worse.

BY WESLEY J. SMITH

Environmentalism is growing increasingly antihuman. Having left Teddy Roosevelt-style conservation and Earth Day consciousness-raising behind, the cutting edge of the movement is pursuing utopian "save the planet" agendas while angrily castigating mankind for supposedly sucking the life out of Gaia.

Such environmental misanthropy used to be confined to the fringe. For more than three decades proponents of Deep Ecology have urged "environmental egalitarianism" and radical depopulation to beat back the human "invasion" of nature. Alas, in recent years such advocacy moved from the flanks toward the center of environmentalism—to the point that some of the world's leading global warming warriors now echo the radical depopulation agenda as an urgent imperative to protect polar bears and keep glaciers from melting.

Global warming alarmists and other über-environmentalists also promote anti-prosperity, seeking to convince developed nations to constrict their economies drastically and redistribute much of their remaining wealth to developing countries as an inducement for them to remain mired in low emissions poverty. The advocates of this view see economic decline as a goal. Thus, in the run up to the failed Copenhagen global warming summit, *New Yorker* writer David Owen asserted that "the

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world's principal source of man-made greenhouse gases has always been prosperity." He warned darkly that the recent "environmental benefits of economic decline, though real, are fragile, because they are vulnerable to intervention by governments."

The antihuman and anti-prosperity impulses in environmentalism have also led to granting human-type rights to the birds and the bees and the flowers and the trees. Under the influence of American environmental radicals, the leftist government of Ecuador won ratification for a new constitution that formalized the "rights of nature" along with those of humans. Several municipalities in the United States have taken the same route. In 2007, Tamaqua, Pennsylvania, enacted an ordinance purporting to strip sludge-and-dredge corporations of all constitutional rights within the town—an empty gesture given the town had no such authority—while granting rights to "nature" enforceable in court by any resident.

Allowing radical environmentalists to enforce the putative rights of nature could certainly stifle development. But it might not eliminate it. To do that, punitive action is required. Indeed, how better to push us back toward a hunter/gatherer (or just plain gatherer) ideal than to criminalize large-scale economic development?

That's precisely the goal of This Is Ecocide, a new environmental campaign that seeks to outlaw serious pollution as an international "crime against peace," akin to war crimes or genocide. Anyone indicted for ecocide would find himself in the dock at the International Criminal Court alongside such alleged mass murderers as Serbia's Radovan Karadzic and Liberia's Charles Taylor.

But what is ecocide, precisely? Practically any business activity that environmentalists loathe, from large scale resource development to non-renewable energy generation, along with any accidental ecological disaster would potentially qualify as a crime against peace. As envisioned by ecocide's rising star, Polly Higgins, who recently addressed the United Nations promoting a Universal Declaration of Planetary Rights, the This Is Ecocide website states:

> Ecocide is the extensive destruction, damage to or loss of ecosystem(s) of a given territory, whether by human agency or other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished.

Note that "peaceful enjoyment by the inhabitants" is a very broad term, intended to include everything from grass, fish, and insects to mice, snakes, and people. And diminishment of "peaceful enjoyment" would not require actual pollution, but could mean a declining supply of forage or a loss of foliage caused by almost any use of the land, perhaps even simple urban growth.

Not only that, but the crime of ecocide would be so encompassing that any company involved in large scale resource development would almost certainly commit it. Again, from the website:

> • Ecocide arises out of human intervention. Heavy extraction, toxic dumping, release of pollutants can all result in ecocide.
> • Ecocide is a crime of consequence, e.g., where an energy company procures its energy by extracting fossil fuels, as opposed to creation from renewable energy, that would result in ecocide.
> • Ecocide is not a crime of intent. The intention is rarely to render damage on a given territory, more often it is an outcome of another primary (economic or war) activity.

It is worth noting that the website does not cite deliberate ecological despoliation among its examples of ecocide; it makes no mention, for instance, of Saddam Hussein's releasing oil into the Persian Gulf and setting oil wells aflame during the first Gulf war. Its prime target is resource development, such as oil extraction from the Alberta tar sands and large mining projects. Under this view, the *Exxon Valdez* accident could be elevated from a civil wrong justly requiring Exxon to pay billions in damages to a crime requiring the jailing of the company's CEO for life. There need not even be harm to any living organism: The proliferation of space junk is listed as ecocide.

One need not read between the lines to perceive that the real culprit isn't pollution as much as it is human prosperity created by industrialization. Thus, declaring the need to "abolish planetary slavery," the YouTube video "Ecocide: A Crime Against Peace" states:

> We have come to accept that extraction of natural resources is normal. Just because it is normal does not mean that it is right. Two hundred years ago companies plundered for profit. Then it was called colonization. Today it is called business.
>
> Back then, extraction often led to conflict. Sometimes it led to war. Now a century of "resource wars" is predicted. The battle to control oil and water has already started. Now natural resources are becoming the reason for war. Unless we change. Do you see what is happening here?

PowerPoint style, the screen then slowly rolls out the phrase "Extraction = Ecocide > Resource Depletion > War," which melts into the summary statement "Ecocide > War."

The concept of Ecocide is subversive on several levels. First, equating resource extraction and/or pollution with genocide trivializes true evils such as the slaughter in Rwanda, the killing fields of Cambodia, the gulags, and the death camps, while elevating undefined environmental systems to the moral status of human populations. Even more elementary is the fact that ecocide's promoters want to destroy prosperity by criminalizing necessary economic activities.

The cliché that green is the new red is proving all too true. Increasingly, environmental activism promotes utopian hysteria, undermines human exceptionalism by personalizing nature, and exhibits disturbing totalitarian symptoms. Ecocide fits squarely within this emerging zeitgeist. Tempted as we may be to laugh it off, we should instead recognize it as a potential threat to our collective future. ♦

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Gen. 'Stonewall' Holder

The Obama Justice Department—most opaque ever?

By Jennifer Rubin

Attorneys who formerly represented al Qaeda members detained at Guantánamo now labor at the Justice Department representing the United States and shaping policy regarding treatment of those detainees. Yet the attorney general refuses to disclose the names of those who worked closely on detainee matters before joining the Obama administration.

In mid March in Senate testimony, Attorney General Eric Holder (whose former law firm Covington & Burling likes to tout its work for Guantánamo detainees and who personally filed an amicus brief on behalf of attempted "dirty bomber" Jose Padilla, which he failed to disclose at his confirmation hearings) proclaimed in response to a request from Senator Charles Grassley for the names of the attorneys:

> There has been an attempt to take the names of the people who represented Guantánamo detainees and to drag their reputations through the mud. There were reprehensible ads used to question their—in essence to question their patriotism.
>
> I'm not going to allow these kids—I'm not going to be a part of that effort. And so with all due respect—their names are out there now. The positions that they hold are out there. That's all been placed in the public record. I am simply not going to be a part of that effort.
>
> I will not allow good, decent lawyers who have followed the greatest traditions of American jurisprudence—done what John Adams, done what our chief justice has said is appropriate. I will not allow their reputations to be besmirched. I will not be a part of that.

But the identities of the attorneys and whether they continued to work on matters in violation of their ethical obligation to avoid conflicts of interest—or the appearance of conflicts of interest—is a serious issue. An attorney's conflict of interest may give former clients, in this case terrorists, grounds for overturning a conviction. And for an administration that promised to be the most ethical in history and slam shut the "revolving door," the potential for high-profile conflicts of interest on national security issues should be a serious issue. On entering office, Obama signed an executive order obligating executive branch employees to sign an ethics pledge prohibiting them from participating "in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients, including regulations and contracts."

The administration, moreover, touts itself as "the most transparent in history" while steadfastly refusing to disclose the names of lawyers who previously litigated on behalf of al Qaeda members (though two, principal deputy solicitor general Neal Katyal and national security division attorney Jennifer Daskal, were well known for their work on behalf of detainees). The Obama Justice Department seems determined to prevent the timely release of information that might give the public insight into just who is offering advice on controversial matters of national security.

In early December, The Weekly Standard submitted Freedom of Information Act (FOIA) requests to the Justice Department seeking to uncover which attorneys who previously represented detainees had recused themselves from cases or policy decisions that might pose a conflict of interest. Thus began five months—so far—of stonewalling by the department. At times striking a near-comic tone, the Justice employees responsible for searching and providing the records soon made clear that there is no system for tracking conflicts within the department and no urgency to provide documents relating to a matter of extreme public interest.

The absence of any conflicts-checking system was confirmed months later by Holder:

> GRASSLEY: I want to comment, though, that I doubt that you would share the same feeling for lawyers who represent the mafia, and I doubt that you would hire them in the Justice Department. The department's response said that the Department of Justice does not keep a centralized database of recusals. And it is the honor of the employees to recuse themselves. Now, you know that large law firms like ones you've served in have conflict committees and procedures in place to ensure that rules are followed. Why shouldn't the Department of Justice, not just under your leadership but under leaderships before you, have some centralized system of conflicts system as private firms have?
>
> HOLDER: Well, I think that's actually a legitimate concern that you raise, and that is something that I think is worthy of consideration. Because you're right, that there is within certainly the law firm that I was a member of, such a database. And that, I think, is something that we can consider at the—at the department.

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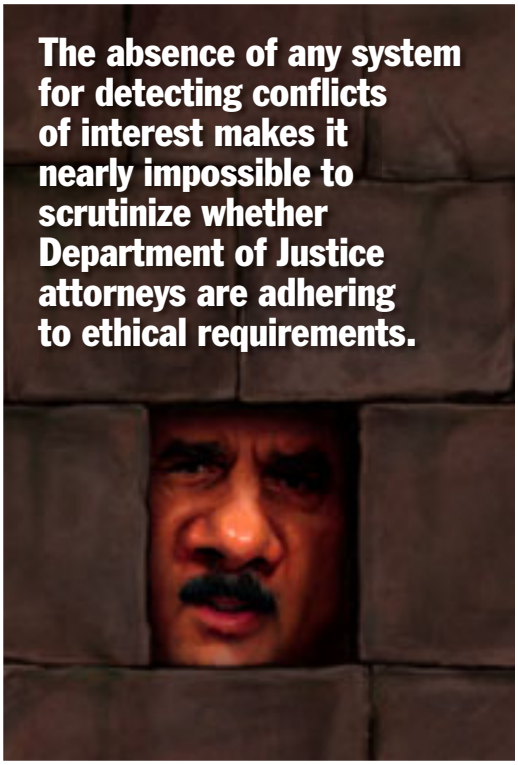
After all, even attorneys acting in good faith can make errors or forget about cases they participated in years ago. The absence of any system for detecting conflicts of interest also makes it nearly impossible for others to scrutinize whether Department of Justice attorneys are adhering to ethical requirements.

The Bush administration did not have a systematic ethics checking system either. Lawyers tracked their own conflicts and consulted with the applicable ethics officer. But there the recusal process was somewhat broader for at least some senior attorneys. A former Justice Department official explains that he did not work on cases in which his former law firm was involved for at least his first three or four years. He says, "Also, even beyond that time, I did not work on cases with issues substantially similar to ones that I had worked on extensively in private practice." That is the standard set forth in the ABA model rules.

Approximately a week after the FOIA requests were submitted to three separate groups within the Justice Department, Stephanie Logan, the officer responsible for responding to a request for documents from the attorney general, deputy attorney general, or associate attorney general (all of whom previously worked at law firms representing detainees) called me. She seemed confused as to what I was asking for. I summarized the request: information on recusals for former attorneys of detainees or suspected terrorists.



JASON SEILER

LOGAN: What detainee facilities are you interested in?
WEEKLY STANDARD: All of them.
LOGAN: International ones?
WS: Any of them. Any lawyer who has a conflict with any terrorist matter or issue with any detainee facility.
LOGAN: Can you list one?
WS: Bagram.
LOGAN: Can you spell that?
WS: B-A-G-R-A-M
LOGAN: What lawyers?
WS: All of them.
LOGAN: That's kind of broad.
WS: You can narrow to January 2009 to the present.
LOGAN: What sort of policies?
WS: Anything having to do with terrorism. Anyone who is recused from or has a conflict. You have a list, I'm sure.
LOGAN: So you just want a list?
WS: And all the documents.

On December 17, Logan sent me a letter memorializing the conversation but she did not return multiple calls following up on the request. Finally, after inquiring whether litigation might be required, I received a call back from Logan on April 20 informing me that a "search was underway." When I asked how far it had progressed I was told, "Um, they are working on it."

How long will it be? "Hmm . . . oh I'd say three to six months." Three to six more months?

I asked to speak to a supervisor and later that day Laurie Day called to say it was a "complex request" and they were "actively searching for records" from three different attorneys' offices.

Had they finished any one of them? No.

How long would it take? A minimum of three months—for only three attorneys.

When I informed her that another, larger division had already answered on behalf of many more attorneys, Day said she had no other explanation than "we have a lot of requests."

So we still don't know whether the top political appointees of the Justice Department, including the attorney general, weighed in on cases in which they or their former firms represented the Guantánamo detainees or on matters closely related to those cases. Congress doesn't know and neither do the detainees, whose current counsel (former associates of these officials) have an obligation to raise this issue on behalf of their clients in trial or on appeal. And there is a good chance that the attorney general was not acting with due diligence. After all he "forgot" that he submitted an amicus brief in the *Padilla* case contesting the ability of America to indefinitely detain enemy combatants. Did he also forget to recuse himself from other matters involving Padilla? So long as the Justice stonewalling continues we can't tell.

The Justice Department civil division (which is responsible for nearly 200 habeas corpus petitions by detainees) was also slow to respond, but eventually it did provide the requested documents. In January, I spoke to and subsequently received a letter from James

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Kovakas, who is responsible for the civil division's FOIA requests. He explained that the division would process the request but did not consider the matter "urgent" so would not expedite it.

Why wasn't it urgent? Well, Kovakas said it hadn't appeared much in the media and so it didn't seem to be a pressing matter of public concern.

When I listed a number of conservative outlets already following the story, he invited me to submit citations to news stories. Kovakas explained, however, that the request was already "at the head of the line," meaning it was being treated as expeditiously as they could.

I spoke again to Kovakas in late February, and he explained that the request was out to lawyers for all recusal documents. He could give no time frame for their responses and explained there was no database or computer record of this information—just discrete documents. He then conceded that in light of the controversy generated in the media, the matter had become pressing. Still this didn't change the timeline which was, he explained, dependent on when they got the documents back from the very attorneys at issue in the request.

Nearly a month later Kovakas called and said they were "diligently working on this request." He could, though, not "explain why it is taking so long." He continued, "Don't take this to the bank but I think the end of next week. I met with a bunch of people last week and said I was very unhappy with how long this is taking. They asked a bunch of dumb questions." He added, "We take FOIA very seriously and appreciate your patience."

In April, I received 52 pages of documents from the civil division. They proved illuminating.

In a memo dated May 26, 2009, Tony West, the assistant attorney general heading the civil division—who had represented American al Qaeda member John Walker Lindh and whom Fox News had in March identified as one of the former detainee attorneys—recused himself from cases in which he or his firm had been involved, including *al Qahtani* v. *Obama* and a case concerning a Boeing subsidiary alleged to have transported detainees to CIA facilities (*Mohamed* v. *Jeppesen Dataplan*). Yet an earlier email, dated May 3, 2009, states, "Tony West has been cleared to participate in the management of the GITMO cases, except with respect to decisions relating specifically to . . . *Al Quhtani* v. *Obama* . . . given that Tony W.'s former firm continues to represent the detainee in that case." Presumably, for more than three weeks he worked on cases like *Jeppesen* from which he was subsequently recused.

There is no evidence in the documents that anyone systematically examined whether West should have recused himself from any policy decisions or from dozens of other highly controversial cases that might have directly impacted his former clients. Ed Williamson, a former legal adviser to the State Department who has written extensively on ethics issues, says, "The most charitable explanation is that they didn't spot the issue."

On August 28, 2009, West along with two other attorneys declared that they could no longer participate in seven cases in which Lindh was a witness, raising the issue whether their participation up to that point had been appropriate. As Williamson notes, "If it was a problem in August, it was a problem in May." What about cases potentially related to *Jeppesen* or *al Qahtani* or with common witnesses? No evidence of recusal from those has been produced. Again, no one seemed to spot the issue.

This muddle is in marked contrast to the actions of a former partner of West's, Beth Brinkman, who was selected by West as his deputy to head the appellate branch. In repeated emails, she made it clear that she should be recused not only from her former firm's cases but also from any related issues. In multiple emails in 2009 and 2010 she informed other attorneys who persisted in sending her materials to review that she was (as she wrote on August 3, 2009) "recused from Guantánamo matters." From documents made available to date, it does not appear that any other attorney took her position.

Other attorneys in the civil division who came from firms that represented detainees—such as Brian Martinez (West's chief of staff), Geoffrey Graber (counsel to the assistant attorney general), and Ian Gershengorn (West's deputy in charge of the Federal Programs Branch, which handles habeas petitions)—recused themselves from individual cases where their former firms represented detainees. Gershengorn, however, continued to play a role in setting policy on issues relating to his prior cases. In an email dated July 14, 2009, he wrote, "I have realized that, while I can discuss policy issues arising from substantial support etc., I cannot work directly on the brief because it is one of the Boumediene cases, and Jenner had an amicus brief in that case." (This begs the question of who, if anyone, was supervising the habeas petitions and the matters from which the political appointees were recused.)

The documents also confirm that the employment of ferocious advocates for detainees is not limited to the Justice Department. The State Department hired Columbia University law professor Sarah Cleveland. Columbia boasted in its announcement, "She will advise the State Department and the executive branch on international law issues, and will help develop the State Department's position in U.S. litigation involving international and foreign relations law issues." Cleveland filed an amicus brief in *Boumediene*, testified that there was no category of detainee "too danger-

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ous to be released" (not even Holder agreed with that), and questioned the "power to detain persons seized outside a traditional theater of combat."

Cleveland also weighed in on the brief in a case identified as *ACLU* v. *DoD* in May 2009 (most likely the issue of release of detainee abuse photos) and invited Beth Brinkman to do the same. Brinkman firmly declined. But with figures such as Cleveland advising the administration, we can see how Obama received the advice that he had no choice but to release the detainee abuse photos. It is hard to escape the conclusion that the government was receiving, as one might expect from those who passionately defended detainees, advice sympathetic to those detainees.

The limited information the Justice Department has so far released raises real concerns as to whether former advocates for detainees were properly recused from matters involving Guantánamo detainees and policy decisions that would inevitably involve their former clients. Did they violate obligations to former clients by construing their recusal obligations too narrowly? Did they damage their current client, the United States, by shading their advice for the sake of consistency with their prior representation?

Professor Richard Painter, an ethics expert from the University of Minnesota, wrote to Holder in April raising such issues. He noted, "There are legitimate concerns about client conflicts for lawyers who previously represented detainees and now work for the Department." The "simplest" approach he advised would be to have them recused from all detainee matters. If they aren't, he cautioned,

> the Department will have to inquire into the facts of each lawyer's previous representation of one or more detainees, and the facts of each lawyer's previous representation by the same lawyer of the United States in a matter involving one or more other detainees.

The professor noted that the ABA Model Rule 1.9 requires Justice to examine if other matters are "substantially related" to the exact ones in which the attorneys appeared, an analysis made difficult with the government itself taking the position "that some of these detainees have been acting in concert with other detainees."

At least with respect to the civil division—the only one that has yet lifted the veil of secrecy—it appears this was never done. West and his former law partners (except Brinkman, who seems to take Painter's view) simply listed and recused themselves from cases on which they or their former firm represented detainees. There is no evidence that anyone considered whether the scope of that recusal should have been far broader.

In an interview, Painter explained that there are multiple risks for these attorneys. "One danger is that you give an issue to the detainee who is convicted. Another is that you actually disclose information [you obtained] from a former client. A third is that the lawyer in an effort to avoid one and two bends over backwards by underrepresenting" the United States. Clients (even the government) have a right to be fully represented.

The administration's defenders contend that many lawyers in private practice, antitrust specialists particularly, go into government and litigate in areas they previously practiced. The Guantánamo situation, however, is different in three key respects.

First, this administration had promised to avoid unseemly sideswitching and passed a specific ethics policy to prevent even the appearance of impropriety. Second, the national security stakes are much higher, and any risk of reversing a key conviction is a danger. And finally, unlike an antitrust lawyer who can litigate thousands of cases without implicating a former client, the universe of Guantánamo detainees is so small and interrelated that it is virtually inevitable that policy advice or decisions in one case will have direct implications in another. If there was any doubt, a Bush administration appointee who left the civil division was instructed by the Obama administration that he must recuse himself in private practice from all Guantánamo matters, not merely the specific ones he worked on. It seems that going out the door the Obama team recognized the potential conflicts for former Bush officials, an issue which escaped their notice for incoming Obama appointees.

It is also noteworthy that the Office of Government Ethics has copies of waivers allowing three Justice Department officials (Holder, former Deputy Attorney General David Ogden, and Assistant Attorney General for the Criminal Division Lanny Breuer) to work on Senator Ted Stevens's corruption trial. No such waivers appear for any Justice official for Guantánamo matters.

Serious concerns remain whether the Obama Justice Department attorneys, including the attorney general and his closest advisers, complied with the full extent of their ethical obligations. Given the stonewalling by the department, it is difficult to be confident the American people re receiving the robust representation to which they are entitled. We may have to wait for FOIA responses to finally trickle in or for future litigation to find out whether attorneys in the administration inadvertently gave their former clients new defenses against the United States. Or can the Obama administration be pressured into—at long last—fulfilling its promises of transparency. ♦

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American Oligarchy

Don't expect real reform from the Wall Street Democrats

By Christopher Caldwell

"Now, the Senate Republican leader, he paid a visit to Wall Street a week or two ago," said President Obama at a California fundraiser for Barbara Boxer in mid-April, putting on a mocking, homespun voice. "He took along the chairman of their campaign committee. He met with some of the movers and shakers up there. I don't know exactly what was discussed. All I can tell you is when he came back, he promptly announced he would oppose the financial regulatory reform."

To judge from the guffawing that followed, few in attendance realized that Obama is more dependent on "movers and shakers" in the financial sector than any president of our time, although the files of the Federal Election Commission make this clear as day. The movers at Goldman Sachs, whose top employees were grilled before the Senate Banking Committe last week, gave Obama's party three times as much money in the last cycle ($4.5 million) as they gave to Mitch McConnell's ($1.5 million). The shakers at Citicorp gave Democrats almost twice as much ($3.1 million) as they gave Republicans ($1.8 million).

So every time the president accuses Republicans of trying to "block progress" or of defying "common sense," as he did that night, he is executing a dangerous tightrope walk. His party's electoral fortunes depend on his making forceful calls for reform of our banking laws. His party's fundraising fortunes depend on his ensuring that no serious reform—of the kind that endangers the big banks' size and power—ever happens. That may be why the Democrats' strategy of painting the Republicans as obstructionists on finance reform has gained little traction. By the same token, if Republicans ever did get serious about reforming the banks—and even about breaking up an industry that has turned into a Democratic war chest—they would put Democrats in mortal peril. There seems no chance of this. Obama's taunts show a confidence, verging on certitude, that Republicans' hypocrisy is as deep as his own.

What does it mean, the inability or unwillingness of either party to change or discipline the big banks in any way, even after all the havoc they have lately caused? In the year and a half since the implosion of Lehman Brothers, Simon Johnson, who was the chief economist of the International Monetary Fund in 2007 and 2008, is the only person to have come up with a plausible explanation. He has done so by examining the United States as an IMF analyst would examine some bankrupt basket-case of a country in what used to be called the Third World. Johnson believes that the leaders of the American finance industry have turned into the sort of oligarchy more typical of the developing world, and that they have "captured" the government and its regulatory functions. Johnson laid out this bombshell thesis in the *Atlantic* a year ago.

There are many ways for countries to blunder their way into big economic trouble: Kleptocracy, capital flight, or a commodity-price crash can all spark a panic or collapse. Nevertheless, Johnson wrote, "to IMF officials, all of these crises looked depressingly similar. Each country, of course, needed a loan, but more than that, each needed to make big changes so that the loan could really work." In a gripping new book, *13 Bankers* (Pantheon, 304 pages, $26.95), written with his brother-in-law James Kwak, Johnson explains why those changes aren't happening in the United States.

Most countries rescued by the IMF are marked by tight links between the business elite and the political elite. They are oligarchies. Johnson defines oligarchy as a system whereby economic power can be translated into political power (and vice versa). When you try to fix a country dominated by an oligarchy, you immediately hit a frustrating paradox: Rescue plans make the oligarchy more powerful. An IMF loan is a lifeline. Somebody has to decide which banks and industries get to use it, and which ones are set adrift. In this process, the cement company owned by the finance minister's cousin does better than the cement company run by some schmuck in the hinterland. And it is not

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Contributions to Major-Party Candidates in the Top 20 ZIP Codes

2007-2008 Election Cycle

ZIP CODE	LOCATION	TOTAL AMOUNT	SHARE GIVEN TO DEMOCRATS
10021	New York, NY	$21,124,010	72%
10022	New York, NY	$14,288,638	71%
10024	New York, NY	$11,349,195	86%
10023	New York, NY	$10,761,805	84%
10028	New York, NY	$10,559,795	73%
10128	New York, NY	$10,257,972	80%
90210	Beverly Hills, CA	$8,874,815	65%
10019	New York, NY	$8,714,364	75%
20007	Washington, DC	$8,603,437	79%
20016	Washington, DC	$8,244,958	78%
20815	Chevy Chase, MD	$8,080,421	81%
20854	Potomac, MD	$7,922,367	64%
60614	Chicago, IL	$7,788,140	83%
20008	Washington, DC	$7,509,609	84%
22101	McLean, VA	$7,362,457	48%
90049	Los Angeles, CA	$7,347,039	77%
60611	Chicago, IL	$7,270,828	70%
06831	Greenwich, CT	$6,466,117	57%
60093	Winnetka, IL	$6,373,487	59%
06830	Greenwich, CT	$6,311,038	52%

SOURCE: The Center for Responsive Politics as of July 13, 2009. Cited in The Almanac of American Politics, *2010.*

just that politically favored companies get the original infusion of IMF cash. Private investors can see what is going on and realize that it is "best to invest in the firms with the most political power (and hence the most assurance of being bailed out in a crisis)." So if the politically connected rich don't pay, who does? "Most emerging-market governments," according to Johnson, "look first to ordinary working folk—at least until the riots grow too large."

This is a terrifying truth, if you think about it. It means that you cannot take for granted that "once burned, twice shy" will describe the aftermath of an oligarchy-driven financial crisis. Serious reform is not inevitable. On the contrary: The "reforms" that follow a bubble-binge-bailout cycle tend to consolidate the privileges of the oligarchs who caused it. That is why the IMF tends to judge the good faith of a country seeking debt relief by whether it is willing to "squeeze at least some of its oligarchs," in Johnson's words. Back in the day when the United States was on its moral high horse, our bankers and government officials derided the fledgling market economies of Southeast Asia and Eastern Europe as havens of "crony capitalism." We demanded not just the squeezing of oligarchs but the squeezing of government. Freewheeling monetary policy and write-downs were anathema. Discipline was the order of the day.

When our own day of reckoning came, though, we behaved less responsibly than the governments we used to lecture. There are two ways that a government can fix industries that have gone bankrupt: It can take them over or it can bail them out. We are bailing them out. Treasury Secretary Hank Paulson sat his capital-starved former colleagues down at a table in October 2008 and told them to accept $25 billion apiece from the government, with few strings attached, or else. Cash infusions of that order were necessary to stop a contagion of bank failures. But reforms were necessary, too, to ensure that the crash did not repeat itself. And no reforms came.

Without reforms, Johnson shows, bailouts exacerbate many of the problems they were meant to fix. U.S. banks were rescued in such a way that, as he and Kwak put it, "taxpayer money could pass straight through to bankers' Ferraris and vacation homes in the Hamptons." Bailouts create a moral hazard—a country that rescues banks once is more likely to have to do so again. And this likelihood gets priced into the operating expenses of the surviving banks. The financial behemoths pay 0.78 percentage points less for money than small banks. To tolerate banks deemed too big to fail is to subsidize them.

What Johnson thinks we should have done is take those banks over—"nationalize" them, if you like—and put the banks' overvalued assets on the government's books, where we could wait patiently to sell them, making depositors whole but letting shareholders take the loss. Then we should

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have broken them up, on grounds similar to the ones Theodore Roosevelt used for breaking up big industrial trusts, to ensure that none of them was too big to fail. "A central pillar of … reform must be breaking up the megabanks," Johnson and Kwak write. They would limit assets to 2 percent of GDP (about $285 million) for investment banks and 4 percent for all banks (roughly what Bank of America, Chase Manhattan, Citibank, and NationsBank each had in the mid-1990s). Some people think that large banks provide economies of scale. Johnson and Kwak think the evidence is mixed. The evidence of the problems that big banks can cause, however, is now unambiguous.

How did America's bankers go from being just a bunch of fairly rich people to the untouchable "captains of the financial sector" whose interests get placed above those of the general public? The near-collapse of the U.S. financial system has already been recounted at book length dozens of times. At a basic level, we all know what happened, starting around the mid-1970s: The profession of banking became more varied, complex, and opaque, and as it did, government deregulated and misregulated. Wall Street's consolidation of power in Washington came about largely through the dismantling of regulations that had prevented it.

The Calvary of structured finance has familiar stations of the cross: Orange County's loss of $2 billion on the derivatives called "inverse floaters" (1994), the near-meltdown of the global economy due to the overenthusiastic use of the Black-Scholes option-pricing formula at the hedge fund Long Term Capital Management (1998), and the cost-shifting accounting trickery at Enron (2002), which later proved as useful in designing a government health care plan as it had in running an oil-futures racket.

Other narratives weave in and out of this one. Bill Clinton's claim that minorities were excluded from housing markets turned into a self-congratulatory crusade (under Clinton himself, but much more so under George W. Bush) to push loans on un-creditworthy poor people. The Gramm-Leach-Bliley Act of 1999 took the solemn and expensive guarantees provided to the savings of working families in the 1930s and extended them, willy-nilly, to the banking industry's worst shysters. Plenty of economists and regulators saw what was coming. Akerlof and Romer warned about the "looting" of savings & loans in 1993 and were ignored. Brooksley Born of the Commodity Futures Trading Commission urged regulating off-exchange derivatives in 1998 through the Commodity Exchange Act. Congress opted instead to ban most regulation of derivatives.

Up to a point, Johnson and Kwak's views of this history are conventional. Like a majority of economists, they find the economic policies of the George W. Bush administration poor, and even appalling. They leave aside the questionable judgments that leap out even at the non-economists among us—like cutting taxes while waging two wars, doubling the federal education budget, and adding a new Medicare entitlement. They focus more on countering claims that the past decade was a difficult one in which to formulate economic policy. Yes, they grant, China's high propensity to save created huge flows of money that were hard to manage. But the job of banks is to allocate money efficiently, and under Bush the American system did a "phenomenally poor job" of it.

The real estate boom of the last decade would have been bad even if it had been sustainable. "The more money that flowed into new subdivisions in the desert," Johnson and Kwak write, "the less flowed into new factories where Americans could go to work." That is why growth was lower in the past decade than in any decade since the 1930s, and median incomes were falling steeply even before the crash of 2008. Even the worst speculative bubbles have left behind a good deal of useful physical infrastructure: canals, roads, railroads. This one left nothing. "What do we get out of the meta-financial crap?" Johnson asked in an interview with *Salon* last year.

It is notable then, that for all their criticism of George W. Bush's economic policy, Johnson and Kwak do not hold him responsible for the bankers' takeover of the levers of power. Nor do they blame Ronald Reagan. Either Republican president would have been sympathetic to a deregulatory agenda, but Reagan confronted a recalcitrant Democratic Congress, and by the time Bush took office, Washington had already been offered up to Wall Street. Johnson and Kwak place the establishment of an American oligarchy squarely in the administration of Bill Clinton. "One of history's curiosities," they write, "is that this shift happened within a Democratic administration, headed by a president elected largely because of middle-class economic insecurity."

It was in the 1990s that regulatory agencies were delivered into the hands of people who had close personal relationships with the people they were regulating. The system persists to this day. For every Roger Altman who comes from Lower Manhattan to the executive branch, there is a Richard Gephardt who goes from Congress to Goldman Sachs. This pantouflage is usually defended on the grounds that structured finance has grown so complex that only participants, or former participants, in these markets can understand them well enough to regulate them.

Johnson and Kwak's diagnosis is excellent. But using the terms of their own argument, they are wrong to see it as a "curiosity" that these changes came about during the Clinton administration. Ideologically, of course, Republicans have long been the party more amenable to financial deregulation—and that is an important consideration if you believe

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that democracy is functioning properly. If you believe it has degenerated into a kind of oligarchy, however, the important question becomes not the ideology of the respective parties but the allegiances of the oligarchs. What are the allegiances of our oligarchs? Which is their political party?

Johnson locates the oligarchy in the upper reaches of the investment banking profession. What he doesn't note is that these are overwhelmingly Democratic. There is nothing "curious" about a president's seeking to arm his most reliable supporters with political power. And when you look at it this way, the intermarriage of financial and executive branch elites could only have happened in the Clinton years, simply because there is not sufficient Republican manpower in New York's investment banks to permit it. Robert Rubin, Larry Summers, Jon Corzine, Timothy Geithner … one could make no similar list of partisan Republicans who have made the trek from Wall Street to Washington. Josh Bolten, George W. Bush's chief of staff, who came from Goldman Sachs, is one Republican exception. You might be tempted to list former Treasury Secretary Henry Paulson as another. But he is better thought of as the closest approximation to a Republican the investment banking world could offer up. His wife is one of Hillary Clinton's oldest friends and most important fundraisers. In Paulson's autobiography, *On the Brink*, he describes his family's reaction to Bush's offer of the Treasury post. His wife and son urged him not to take it. His mother wept.

That Democrats are the party of the oligarchy gets more, not less, obvious when you move beyond Wall Street. The cliché that Republicans are the rich people's party makes a certain amount of common sense if you are just looking around your Middle American suburb. You will notice that the man making $200,000 a year is marginally more likely to vote Republican than his neighbor making $50,000. But in suburbia, the word "rich" is really a kind of slang, meaning "slightly better off." Johnson isn't talking about those people. He is talking about people who are rich-with-a-capital-R, the ones who can convert wealth into political power, the ones whose annual income is measured in millions, or tens of millions. Again, how do they vote, and who is their party?

We can formulate a guess by looking at the 20 ZIP codes that pour the most money into the political system. (See the chart on page 23.) This list coincides fairly well with any list of the 20 richest neighborhoods in the United States. All but one of those 20 neighborhoods give the majority of their money to Democrats. (The exception is McLean, Virginia, which gives 48 percent to Democrats.) Most of them give the overwhelming majority of their money to Democrats. For example, none of the 7 Manhattan neighborhoods listed—where we can assume Johnson's oligarchs live—gives less than 71 percent of its money to Democrats.

That presents a challenge to the usual way of looking at things, doesn't it? Republicans have been paying a high price in both public opinion and political coherence to defend the prerogatives of a class that despises them. It was to cosset just these people with tax cuts that George W. Bush destroyed the balanced budget. It would seem that Republicans are either an exceptionally idealistic political party (pursuing their ideology to the point of self-destruction) or an exceptionally foolish one (convinced that anyone with a great big pile of money is their friend). There may be another explanation. To paraphrase something Clinton aide David Dreyer said many years ago, Republicans have done Lord Acton one better—they've been corrupted by power they don't even have.

No book on the meltdown will make you angrier than *13 Bankers*. On the off-chance that it doesn't make you as angry as you'd like to be, though, Johnson and Kwak also have an excellent blog, *Baseline Scenario*, that addresses some of these questions in a more heated way. Go there and you will find an interesting take on the present negotiations over financial regulatory reform. Democratic Senate Finance chairman Chris Dodd, in Johnson's view, is not negotiating with Republicans in order to peel off one or two senators and get the toughest bill possible; he is aiming for the weakest possible bill that will be palatable to the public, and is negotiating in order to pin the blame for its weakness on Republicans.

The sympathies of Johnson and Kwak are with the left of the Democratic party, specifically with the SAFE Banking Act sponsored by Senators Sherrod Brown of Ohio and Ted Kaufman of Delaware. It would break up the big banks along a sensible formula similar to the one the authors suggest in their book. They have little hope that it will pass, however, even though there are potentially Republican votes for it. (Kentucky's Jim Bunning backed it in committee.) Illinois senator Dick Durbin, a champion of *modest* banking reform, calls it "a bridge too far." The SAFE Banking Act is a bridge too far because the fundraising needs of the Democratic caucus and the White House make it a bridge too far. Since the financial crisis began, the system of too-big-to-fail banks that caused it appears to have grown more entrenched.

But are the banks in fact too big to fail? Not necessarily. The banks are certainly too big to fail without destroying the economy. But that is not the same as saying they are too big to fail. The first duty of a sovereign public is to defend its sovereignty, not to prop up its banking system. The public is in a mood to risk cutting off its nose to spite its face. If voters are again offered a choice between bailouts and a likely second Great Depression, it is by no means certain they will choose the bailouts. ♦

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Diplomatic Negligence

The Obama administration fumbles relations with India

By Daniel Twining

In 1998, President Bill Clinton flew over Japan without stopping on his way to spend nine days in China. This led to acute concern in Tokyo over "Japan passing"—the belief that Washington was neglecting a key Asian ally in favor of the region's rising star, China. Twelve years later, Indians worry that the same thing may be happening to them, despite the transformation in U.S. relations symbolized by the 2008 nuclear deal.

A decade ago, new hopes for the relationship were embodied by Prime Minister Atal Bihari Vajpayee's declaration that India and America were "natural allies"—a formulation embraced by President Clinton in 2000 when he became the first American head of state to visit India since Jimmy Carter. President George W. Bush assumed office with a view of India as a future world power, a frontline Asian balancer, and a pluralistic democracy with which America should naturally cooperate in world affairs. But New Delhi's exclusion from an international nuclear order constructed by Washington and its allies stood in the way of normal relations.

Hence the Bush administration's revolutionary campaign starting in 2005 to integrate India into the global nuclear club. India proved itself worthy of this sea change in its relations with America and the world. To overcome parliamentary opposition to the nuclear deal, Prime Minister Manmohan Singh submitted his government to a high-stakes confidence vote—the first time an Indian government had put its survival on the line over a question of foreign policy, no less one involving strategic partnership with India's longtime nemesis, the United States.

By enacting the nuclear deal, Singh argued, India would finally assume its seat at the top table of world politics—with American sponsorship. Nuclear cooperation opened vast new areas for collaboration between India and the United States in defense, civilian space, high-tech trade, and other areas. This was the transformational legacy that President Bush, with strong bipartisan support, bequeathed to President Obama.

But signs of trouble in U.S.-India relations emerged early on Barack Obama's road to the White House. As a senator, he offered a killer amendment to restrict nuclear fuel supply to India during consideration of the civilian-nuclear agreement, which India's friends in Congress had to work hard to defeat. During the campaign, Obama toyed with appointing Bill Clinton as special envoy for Kashmir—alarming Indians in the way that Americans might be alarmed if the European Union offered to send a former head of state to mediate between Mexico and the United States over the status of Texas. Following Obama's election, Indian officials lobbied hard to exclude India from Richard Holbrooke's Afghanistan-Pakistan portfolio, anticipating inevitable U.S. pressure on India to make concessions to Pakistan—even as elements of Islamabad's security apparatus were deemed complicit in the November 2008 terrorist attacks in Mumbai.

Obama had also pledged, if elected, to push for U.S. ratification and global entry into force of the Comprehensive Test Ban Treaty. This issue divided Washington and New Delhi in the 1990s, especially when the United States and China ganged up on India at the United Nations to press it to accept a test ban that would guarantee its permanent inferiority to its larger neighbor. India's worries were intensified when the Obama administration excluded India from its inaugural list of foreign policy partners and priorities, despite references to six other Asian powers. Indian diplomats were dumbfounded when Prime Minister Singh was not among the first two-dozen world leaders to receive an introductory phone call from President Obama. India did not feature in the inaugural trips to Asia by either President Obama or Secretary of State Hillary Clinton.

In the ancien régime, President Bush himself was sometimes called the desk officer for India, which gave an

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array of senior officials good reason to prioritize the relationship. Today, no senior official holds a particular brief for India; Secretary Clinton's clear affinity for the country and strong political support from Indian Americans have not been matched by a strategic vision for upgraded relations. At the National Security Council, a China hand oversees all Asia relations; at the State Department, the ranking South Asia official is a former U.S. ambassador to Sri Lanka. Indian elites recall the days when their country was at the top of Washington's agenda with the lament, "We miss Bush."

China's elevation over India in Washington's hierarchy of foreign policy priorities ignores the advantages to American interests that would accrue from India's success. For one, India puts the lie to the myth that China's model of directed authoritarian development is the wave of the future. This year, India's economy is projected to grow about as fast as China's, and its trend rate of economic growth is expected to surpass that of its Asian neighbor over the coming decade. Moreover, domestic consumption comprises two-thirds of India's GDP but well under half of China's, giving India a more sustainable, less export-dependent economic foundation for growth.

In two decades, India's population—70 percent of which is under age 35—will surpass China's to make it the world's most populous country. Its rapidly expanding middle class—currently the size of the entire U.S. population—should constitute 60 percent of its 1.3 billion-plus people by 2020. While India's 400 million-strong labor force today is only half that of China, by 2025 those figures will reverse as China's aging population "falls off a demographic cliff," in the words of Nicholas Eberstadt, with dramatic implications for India's economic trajectory.

The character of a country's foreign policy cannot be separated from the nature of its internal rule. As one Asian statesman has asked, why does no one in Asia fear India's rise even as they quietly shudder at the prospect of a future Chinese superpower? The United States has an enormous stake in the emergence of a rich, confident, democratic India that shares American ambitions to manage Chinese power, protect Indian Ocean sea lanes, safeguard an open international economy, stabilize a volatile region encompassing the heartland of jihadist extremism in Pakistan and Afghanistan, and constructively manage challenges of proliferation, climate change, and other global issues.

India is the kind of revisionist power with an exceptional self-regard that America was over a century ago. America's rise to world power in the 19th and 20th centuries is, in some respects, a model for India's own ambitions, partly because both define their exceptionalism with reference to their open societies. As analyst Pratap Bhanu Mehta puts it, Indians have "great admiration for U.S. power" and want their country to "replicate" rather than oppose it. How many other countries—including America's closest allies—share these sentiments? It is therefore past time to put to bed the myth that America somehow has more in common with China, or needs Beijing's interest-based cooperation more than New Delhi's on issues as diverse as Afghanistan and Pakistan, terrorism, the international economy, and nonproliferation.

Protesting the America-India nuclear deal in New Delhi, October 2008

AP

Despite the many affinities between the United States and India, the Obama administration risks putting India back into its subcontinental box, treating it as little more than a regional power, while it elevates China, through both rhetoric and policy, to the level of a global superpower on par with the United States. President Obama's early flirtation with a Sino-American "G2" condominium raised alarm bells from Brussels to Bangalore. More recently, Indian officials were astonished and outraged when President Obama and Chinese president Hu Jintao, at their November 2009 Beijing summit, issued a joint statement encouraging China to lend its good offices to resolve conflicts in South Asia. For Indians,

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China's growing footprint in their neighborhood is a problem, not a solution.

China has armed Pakistan with nuclear weapons and advanced ballistic missile technology, neutralizing India's conventional superiority over a neighbor with which it has fought four wars. The top recipients of Chinese military aid are all India's immediate neighbors in South Asia. China has built strong military-to-military ties with Burma, Pakistan, Nepal, Bangladesh, and Sri Lanka as part of what Indians see as a strategy to tie India down, Gulliver-like, in its region. China is developing a range of deep-water ports in the Bay of Bengal, the Arabian Sea, and Indian Ocean islands like Sri Lanka and the Seychelles, portending the projection of blue-water naval power in what India considers its home seas. Despite resolving land border disputes with its other neighbors, China has taken the opposite tack with India, pressing its claims to vast tracts of Indian territory through strident rhetoric, punitive administrative measures in institutions like the Asian Development Bank, and localized military skirmishes.

One explanation for the Obama administration's missteps on India is that the president and his senior officials do not have a strategic vision of India's geopolitical importance within the wider Asian balance of power. This is ironic, because leaders in India, China, and Japan clearly do. Indian strategist C. Raja Mohan insists that India "will never play second fiddle to the Chinese" and has "always balanced China." Indian diplomat Venu Rajamony, explaining why China's leaders began taking India seriously as a great power, attributes it to the Bush administration's "doing a China on China"—forging a breakthrough strategic partnership with India that shifted the international balance of power in the mid-2000s, just as the U.S. opening to China in the 1970s tilted the global balance against the Soviet Union.

For their part, Chinese observers complained in the state-run media that India went "from a potential partner of China and Russia to an 'ideal ally' for the United States in its containment of China." One Chinese newspaper editorialized that "the United States and India joined hands to contend with China" because "only India can rival China economically and politically in Asia." Japanese leaders have identified strategic partnership with India as essential to maintaining regional equilibrium as China rises. In the long term, says a senior Japanese diplomat, "India is the key counterweight to China in Asia."

For President Bush, strong Indo-U.S. relations were central to sustaining what the 2002 National Security Strategy called "a balance of power that favors freedom." Bush administration officials believed Washington's strategic investment in India was essential to shape not only a balance of material power but an ideational balance conducive to the values of open societies. "By reaching out to India," declared Undersecretary of State Nicholas Burns in 2007, "we have made the bet that the planet's future lies in pluralism, democracy, and market economics rather than in intolerance, despotism, and state planning" of the kind that characterizes China. Because of these natural affinities, even a strong India, writes the dean of Indian strategists, K. Subrahmanyam, would "prefer a preeminent United States to a preeminent China."

President Obama's India policy, however, has not been rooted in either a geopolitical or values-based calculus. Instead, his administration until recently has pursued a China-centric Asia policy grounded in the belief that cooperation between Washington and Beijing is essential to delivering solutions to the big global challenges—and, implicitly, that intensified strategic relations between Washington and New Delhi risk undermining an American policy of "strategic reassurance" toward China.

"Strategic reassurance" hasn't worked out. Sino-American relations have deteriorated dramatically over the past year, and China now has become President Obama's biggest great-power headache. Beijing almost daily tests the limits of American patience on matters from trade to currency to human rights to Internet freedoms to Iran sanctions to Taiwan arms sales. In light of this troubling turn in Sino-U.S. relations, President Obama reportedly came to a certain meeting of minds with Prime Minister Singh, in a one-on-one Oval Office conversation last November, about the dangers an overweening China posed to both Indian and American interests in Asia. Yet even if their threat perceptions are once again converging, Indo-U.S. relations still lack an overarching strategic vision and a senior U.S. government champion. The relationship remains buffeted not only by America's continued focus on solving the Chinese puzzle, but also by the calculations of U.S. officials determined, with Pakistan's help, to wind down the war in Afghanistan.

The Obama administration is right to frame the challenges of Pakistan and Afghanistan in their regional context. But India can be part of the solution rather than part of the problem, as administration officials sometimes imply. New Delhi has enormous equities in the construction of a democratic state in Afghanistan. As one of Afghanistan's largest bilateral donors, it is building infrastructure, training Afghan civil servants, and constructing schools and health clinics. For its efforts, India has suffered repeated terrorist attacks against its embassy in Kabul and Indian workers around the country—attesting to how important its support for building the new Afghanistan is perceived to be by the enemies of that project. New Delhi

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has long wanted to do more in Afghanistan, including training security forces, but Washington's Pakistan-centric bureaucracy remains resistant.

For their part, Indian officials are aghast that Washington might willingly pursue a strategy of reconciliation with the Taliban that, rather than ensuring its decisive defeat, instead brings it into government from a position of strength. Many Indian elites have concluded that the United States has shifted from a victory strategy in Afghanistan to an exit strategy—and that India should think twice in the future before trusting Washington to meet shared security objectives.

Perversely, New Delhi is in some respects a truer proponent of America's original objectives in Afghanistan—the Taliban's decisive defeat and the construction of a capable Afghan democracy—than some American leaders are now. Afghanistan is in India's backyard. Indian strategists fear the Taliban's ascendancy in Afghanistan could embolden violent extremists next door in ways that induce Pakistan's "Lebanonization," with the Pakistani Taliban and associated terrorist groups becoming a kind of South Asian Hezbollah that launches waves of attacks against India. India cannot rise to be an Asian balancer, global security provider, and engine of the world economy if it is mired in proxy conflict with terrorists emanating from a weak, nuclear-armed state on its border.

America is now looking to the Taliban's original sponsor to help deliver a settlement to the Afghan conflict that allows U.S. forces to come home. This puts Rawalpindi, headquarters of Pakistan's military-intelligence complex, in pole position and gives Pakistan further leverage against the United States to pressure New Delhi on Indo-Pakistan issues. Aside from the risks such Pakistani influence poses to Afghanistan's future, its growing influence with Washington on the Afghan endgame raises dangers for the long-term health of Indo-U.S. relations.

The Bush administration's de-hyphenation of India and Pakistan policy after decades of Pakistan-centricity created a range of new strategic possibilities—including the most substantial progress ever made between India and Pakistan in back-channel negotiations on Kashmir. De-hyphenation allowed the United States to improve relations with both Islamabad and New Delhi rather than treating them in zero-sum terms. Indian trust that Washington won't favor Pakistan's revisionist agenda in both Afghanistan and Kashmir—and that America has a stake in India's democratic security against terrorism emanating from Pakistan—would do more to promote the normalization of Indo-Pakistani relations than putting pressure on India in ways that rekindle old sentiments about a U.S. approach that seeks not to strengthen India but, rather, to keep it down.

Today, victory in Afghanistan is essential, as are strengthening civic institutions and security in Pakistan. But democratic India is the region's big strategic prize. India can be an essential partner for the United States in promoting a more peaceful, prosperous, and liberal world. But an untended relationship could degenerate in a way that recalls the troubled past—at a time when India's region, wider Asia, and the international economic and political order are growing less stable in ways that threaten both countries' core interests. "Given all the authoritarian regimes, terrorism, and the tenuous economic recovery in Asia," asks Indian-American scholar Sumit Ganguly, "can Mr. Obama really allow U.S.-India relations to backslide into the mutual neglect last seen during the Cold War? We may be about to find out."

Indian environment minister Jairam Ramesh has framed India's foreign policy debate in terms of the tension between the country's "G20 identity" as a partner of the West and its "G77 identity" as part of a bloc of developing nations that define their interests in opposition to the West. Until recently, intensive American engagement had a gravitational effect that pulled India into closer alliance. But left to its own devices, India could rekindle alliances that move it in the other direction. India will make its own strategic choices, but they will be critically shaped by the nature of American engagement.

The United States has a deep interest in India's success as a democratic superpower—one that can shape a non-Western modernity that is inherently peaceful, pluralistic, prosperous, and attractive to the wider world. The affinities between the United States and India are striking. Both countries are threatened by terrorism, state weakness in Pakistan and Afghanistan, the rise of China, and economic protectionism. Both countries want to live in a world safe for the values and interests of open societies. Indian Americans are this country's wealthiest immigrant community. Indians outnumber all other foreign students at American universities. India's enormous middle class embraces an "Indian dream" charmingly similar to the American one. India's people hold the United States in high regard—in some polls, Indians have a higher opinion of America than do Americans themselves.

But there remains a residue of mistrust from five decades of geopolitical alienation stemming from a Cold War split that put the two countries on opposite sides of the great ideological divide of that era. To prevent a new and unnatural polarization in world affairs between two great democracies that could shape the future of the international system, surely it's time for President Obama to embrace the bipartisan tradition launched by President Clinton of investing in a potentially transformative relationship with India that could change history. ♦

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'Tom, Jerry, and Logic tasting wine from barrels in the wood at the London Dock' (1823) by Isaac Cruikshank

HIP / ART RESOURCE

In Vino Veritas

Keeping up with the connoisseurs

BY MICHAEL ANDERSON

It's a pity that Henry James did not base one of his encounters between the Old World and New on the subject of wine. Fine wine evokes the classic American reaction of bumptious suspicion that some smooth-talking foreigner is looking down his nose while lifting your wallet. And, what's more, that we deserve it, too, having been weighed in the balance and found wanting in that arena that historically has raised disdain on one side of the ocean and resentment on the other: the question of taste.

When it comes to wine, Americans epitomize the parvenu; our serious interest is barely a half-century old, rising not so coincidentally with a burgeoning refinement about dining. But as soon as we abandoned the notion that a good meal consisted of steak and a bottle of Sparkling Burgundy, we found ourselves flush with funds but bereft of knowledge. Were we being taken for a ride, played for suckers? Robert Parker, the all-powerful wine critic, began his career as a self-styled Ralph Nader of wine, a consumer advocate determined to deflate hyped-up prices and discover value. Parker has largely transcended this yokel paranoia—as his palate developed, so did his sophistication—but as demonstrated by three recent books under review, his countrymen continue to play the Ugly American in European vineyards.

He can be self-consciously rough-hewn, like the importer Neal I. Rosenthal, who fancies himself "an outlaw wine dealer" who is "changing the face of retailing in New York City," a merchant so down to earth that a spittoon is "a touch too effete for my sensibility." If he is the journalist Robert V. Camuto, he indulges in the persistent American rural fantasy that somewhere out there is the virgin land, and signs on to work the harvest in Alsace as "a vacation from . . . modernity . . . the *real* wine life"—only to awaken to a sore body and the rueful realization that grape-picking is back-breaking toil. If he is Jonathan Nossiter, he keeps flinging the same brickbats he hurled in his snarky attempt at a movie

Corkscrewed
Adventures in the New French Wine Country
by Robert V. Camuto
Nebraska, 212 pp., $24.95

Liquid Memory
Why Wine Matters
by Jonathan Nossiter
Farrar, Straus and Giroux, 272 pp., $26

Reflections of a Wine Merchant
by Neal I. Rosenthal
North Point Press, 272 pp., $15

Michael Anderson is finishing a biography of the playwright Lorraine Hansberry.

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exposé, *Mondovino* (2004), in which adolescent nose-wagging alternates with equally jejune enthusiasms. Witness his inflation of the notion of *terroir*—the untranslatable French term denoting the ecological uniqueness of a vineyard—into a grandly holistic principle of culture: "Without *terroir*—in wine, cinema, life (I'm happiest when the three are confused)—there is no individuality, no dignity, no tolerance, and no shared civilization." (Note how the conceptual confusion accelerates: What, pray tell, would constitute *unshared* civilization?)

What these writers share is hostility to critical authority, "the idea," Camuto writes, "of an 'expert' commentator holding forth on a subject as personal as wine." Nossiter, as usual, ups the ante: He compares winespeak to "Orwell's vision of the willfully abusive inversion of language in totalitarian regimes." All three betray a common cultural anxiety, disguised in the classic American confusion of democracy with egalitarianism; they seem fearful that they will be held in disdain for liking what they like and so make pleasure equivalent with quality. Rosenthal presents a classic example: "I remember the impact of the 1962 Chateau Latour shared with friends at a sumptuous meal, but I have an equally vivid memory of the little Rouge de St.-Pierre, a mountain wine from the Valle d'Aosta, that I drank at Maison da Filippo while in the midst of a day of skiing at Courmayeur in the Italian Alps." This is to compare apples with oranges (for Rosenthal surely does not offer the two wines at the same price).

In his distinguished career as wine critic for the *New York Times*, Frank Prial worked strenuously to demystify wine, to get his readers to enjoy themselves without self-consciousness. In a piece about "memorable bottles" in his *Companion to Wine* (1992), Prial emphasized that happy associations make any wine unforgettable. He makes it palpable to me in his final paragraph when he gets down to specific cases, like Château Lynch-Bages 1985, a wine whose consumption ensures my happy recollection. Similarly, Hugh Johnson is passionate about Chablis (inexplicably so, in my opinion) but he knows full well that Les Clos is not the peer of Le Montrachet.

Rosenthal laments, "There is little being done in the way of wine writing, in the literary sense." Actually there is, and by the very people these authors subject to scorn: professionals in the wine trade. If Saintsbury's *Notes on a Cellar-book* (1920) remains alone at the pinnacle, the lower tiers are well represented in volumes as delightful as they are informative. Despite honorable contributions by the likes of A.J. Liebling and Alexis Lichine, most of the authors are English—no surprise, as Britain has long dominated trade in fine wine—and they are concerned precisely with what Camuto, Nossiter, and Rosenthal avoid: how wine tastes.

'September: Grape Harvest' (detail) from the Très Riches Heures du Duc de Berry (1416)

PHOTO RMN / RENÉ-GABRIEL OJÉDA

Hugh Johnson, that encyclopedic enthusiast, points out in his autobiography, *A Life Uncorked* (2006), that the correct response to the announcement, "I drank a First Growth last night," is not an expression of awe but a simple question: "How did it taste?" Learning to taste wine rather than just drinking it is to bring a disciplined self-consciousness that can seem frightening to many. But why? Just as one must learn to hear music, to see a painting, to read a book, one has to *learn* to taste: "You need not be an expert, or even particularly interested in wine, in order to enjoy drinking it," Michael Broadbent writes in his *Pocket Guide to Winetasting* (original year), probably the most experienced taster alive. "But tasting is not the same as drinking."

Broadbent goes on, "Although wine can be consumed with enjoyment without a lot of fuss and nonsense, reasoned judgment of the finer wines must be based on knowledge." When Johnson says one wants to know how a wine, no matter how exalted its pedigree, actually tasted, the implicit query is, "How good was it?" That is why an expression of personal opinion—"I liked it, I didn't like it"—is of as little value about wine as it is about art, literature, theater, or film. It is about you, not the wine (or book or painting or play or film). Only at the level of judgment—"It was good or bad *because*"—is discussion possible. (Particularly true with a sensory pleasure like wine. That is why with food and drink, the more the merrier.)

Judgment is the distillation of experience. A student once asked me if it was necessary to read a lot of books in order to be well read. In the same spirit, friends often have looked disconcerted when I told them that the way to learn about wine is to drink it. Here is where the wine critic has the same utility as a critic in any other field: as a yardstick for one's own response. In effect, wine commentary is like another guest at the table, someone else to bounce off a reaction, except that the reliable critic really does know more than you do. Criticism in any of the arts (and yes, making fine wine *is* an art) makes us more aware, reveals what we may have overlooked or misunderstood, offers us fresh pathways to pleasure. Despite trendy assertions to the contrary, the critic is servant to the work. When Broadbent conducts a tasting, he makes a point of saying "that the wine is doing all the talking and I am merely trying to translate."

It is in the same vein that good

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critics urge you to make tasting notes: not only to capture the most fleeting of sensations, but also to increase pleasure through exercise of the mind. To quote Broadbent again: "It is a tragic waste not to notice, and note, the beautiful appearance, fragrant nose, and lovely taste of something really special."

Of course, all critics are not created equal. Nossiter is more than justified in decrying "modern wine gibberish," though the problem is nothing new: In 1863 the English wine merchant T.G. Shaw was writing, "I was convinced forty years ago—and the conviction remains to this day—that in wine tasting and wine-talk there is an enormous amount of humbug." More than ever, we live in an age of critical gobbledygook, though wine commentary is hardly the worst offender: The language may be pretentious and overheated, but unlike "critical theory," at least makes an attempt at intelligibility.

One of the joys of wine education is learning how one's taste aligns with an expert's—when one learns *why* he agrees or disagrees. Some critics are valuable because one knows their taste is not yours. (In film, Pauline Kael performed this useful function; one learned to avoid movies she liked.) The better the critic, the clearer the personality expressed; their very prose often mirrors their palate. Parker's brusque, overstated (and clumsy) prose fits his devotion to tannic bruisers; no wonder he is excellent on Rhône wines and Bordeaux, hopeless on Burgundy. Serena Sutcliffe's elegance gives a lilt to even the most severe judgment, while Jancis Robinson's hale-fellow-well-met heartiness suits her wide range of reference; both are equally "feminine," if you will, but in different keys. Broadbent is a classic Bordeaux and Champagne man. Hugh Johnson, Oz Clarke, and Steve Spurrier are eager for you to lift a glass, and why not try something new?

What they all have in common is the authority based on deep experience and engagement with their subject; that is, they are true critics, not sniffy gatekeepers. What they do is impart not only knowledge but also the passion of pleasure, so that you do not merely bend an elbow but satisfy your soul. ♦

B&A

Spies Like Us

Chapter and verse on Moscow's campaign to subvert America. **BY RONALD RADOSH**

The Rosenbergs in custody, 1951

BETTMANN / CORBIS

Since the Cold War, two competing narratives about Soviet espionage in the United States have existed.

The left has argued that many who were accused by either Joseph McCarthy or the House Committee on Un-American Activities of being Soviet agents were simply political dissenters, falsely accused because of their opposition to the foreign policies of the United States since the Truman era. Their only crime was to be forthright and brave opponents of a get-tough anti-Soviet policy, and the scorn heaped upon them—and sometimes the actual prosecutions or blacklists—served only to scare others from speaking out.

Spies
The Rise and Fall of the KGB in America
by John Earl Haynes, Harvey Klehr, and Alexander Vassiliev

Many on the right assumed, as a matter of course, that most of those named as Communists or as actual Soviet agents, sources, or spies were, in fact, guilty as charged. To those who assumed the worst, most Communists were likely spies in waiting, if not yet engaged. Therefore someone like McCarthy, who railed about the failure of the Truman and Eisenhower administrations to do anything to protect America's national security, was generally correct, and in retrospect, McCarthy's campaign to stop treason in government was both brave and correct. Ann Coulter has called McCarthy a great hero whom history has proved correct, and M. Stanton Evans devoted a recent biography to the proposition that McCarthy was the man who should have been listened to, and whose advice, if taken, would have prevented some major Soviet

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attempts to destroy our government.

It is because of the power and strength of John Earl Haynes, Harvey Klehr, and Alexander Vassiliev (hereafter HKV) that this magisterial book transcends the old debates and paradigms, and provides the most complete and thorough account of what Soviet espionage agents actually did in the United States, as well as revealing—by sorting through the evidence in painstaking detail—who these agents were, and what harm they caused.

On McCarthy, they point out that his "charges were . . . wildly off the mark. Very few of the people he accused appeared in KGB documents (or the Venona decryptions), and by the time he made his charges, almost all Soviet agents had been forced out of the government and Soviet intelligence networks were largely defunct." In February 1950, for example, McCarthy listed one Gerald Graze on a list of 81 cases he called major security risks. But by that time Graze had already left government service and neither McCarthy (nor anybody else) pursued the case. In fact, Graze had been a Soviet agent between 1937 and 1945. In other words, McCarthy used old cases to rail about a threat that no longer existed by exploiting the failure of the Roosevelt administration to act when it might have mattered. In a similar fashion, the German émigré and scholar Franz Neumann had been a source in the Office of Strategic Services (OSS) during World War II, giving valuable information to Moscow in 1944. Yet McCarthy included him in a list of State Department security risks in 1950! And in 1953 McCarthy's subcommittee called Nathan Sussman to testify in its investigation of Communist infiltration of the Army Signal Corps. They suspected (correctly, it turns out) that he was an active member of the Soviet network put together by Julius Rosenberg. Yet Sussman acted as a "model of a cooperative witness," verifying that Rosenberg was a party member when he knew him. Neither McCarthy nor Roy Cohn ever asked him about espionage, and he departed unharmed, successfully playing McCarthy and Cohn and escaping without their discovering any of the actual spy work he had carried out for the Soviets.

The great importance of this book, and what makes it definitive and different from all previous works on Soviet espionage, is that it is based on the actual voluminous KGB documents copied from the Soviet files by one of its former agents, Alexander Vassiliev. The notebooks are, as the authors write, "only a segment of the vast documentation of Soviet espionage in the United States," but they are "a far richer and more extensive portion than we had before." What Haynes and Klehr have done is combine this information with data from FBI files, Comintern and Communist Party USA records, and Venona decryptions, thus presenting "the most complete picture of KGB activities in the United States ever seen."

Let us, then, turn to some of the important revelations. First, and perhaps most important, the authors succeed in closing the case on Alger Hiss. Because of Hiss's stubborn insistence, to his dying day, that he had been falsely accused, and the persistence of his defenders on the left, he has become something of a focal point for those who continue to argue that the charges against Hiss were a smokescreen to allow Republicans to sully the reputation of the New Deal. Indeed, in 2007, the *American Scholar* featured an article accusing one Wilder Foote, a man who was in fact completely innocent, of being the actual spy others confused with Hiss. (In their attempt to exonerate Hiss the authors of that piece engaged in precisely the style of McCarthyism they deplore.) It is ironic that when coauthor Vassilieu started his work for an earlier book coauthored with Allen Weinstein, he had no idea who Hiss was and why he was so controversial in the United States: Before he could spell Hiss's name, however, he found that he had been drawn into what he calls "the Alger Hiss cult," discovering that Hiss "is a religion, and there is no point in arguing with people about their religious beliefs."

"I don't give a damn about Alger Hiss," he concludes. "Never did." Fortunately, others do—and HKV have finally settled the facts of the matter, no doubt to the consternation of Victor Navasky, the *Nation*, Kai Bird, the New York University center that runs a website devoted to Hiss's innocence, and Hiss's son, who has for years sought to exculpate his father. Documents presented here contain references not, as in the Venona decrypt, to an agent whose code name was "Ales" (and which some argue was not Hiss), but to KGB documents that identify Hiss by his actual name. A 1936 document, for example, contains Hede Massing's report to the KGB on the attempt of Alger Hiss to recruit her agent Noel Field. (Unknown to Hiss, Field was already a Soviet agent.) As HKV write: "There is no parsing or convoluted argument that can be advanced to avoid the unambiguous identification of Alger Hiss in a 1936 KGB document by his real name as 'a Communist, that . . . has ties to an organization working for the Sov. Union.'" It also established that he was to be known by the first code name assigned to him, "Jurist." Moscow Center was furious that Massing herself met with Hiss, since she was KGB and Hiss was GRU (Soviet military intelligence). The KGB headquarters in Moscow cabled Boris Bazarov, head of the KGB's U.S. station, stating, "We fail to see for what reason Redhead [Massing] met with 'Jurist' [Hiss] . . . after our directive stipulating that 'Jurist' is the neighbors' [GRU's] man and that it is necessary to stay away from him."

The authors also use the secret testimony of Field, who told the Hungarian secret police of his espionage work and association with Hiss in 1954, as well as with Whitaker Chambers, when he was a Soviet agent. Field told the Hungarians that he knew Hiss "was working for the Soviet secret service" and that "Chambers was Hiss's upper contact in the secret service." He also confirmed that Hiss had tried to persuade him to become an agent as well, and that in 1935, realizing they both were secret party members, they had become friends. Many have contested Field's confession, which was released some years ago; but as HKV note, the memories of Massing, Field, and Chambers from the 1930s to the '50s are all confirmed by the notebooks, which "offer contemporaneous KGB documentation that corroborates all of the main

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elements of the story the three provided." *Spies* continues with similar evidence, adding up to a barrage of documentation that, as they write, provides "massive weight of . . . accumulated evidence" that closes the case. While that will not convince diehard apologists, "to serious students of history continued claims for Hiss's innocence are akin to a terminal case of ideological blindness."

The second area of investigation concerns Soviet atomic espionage at the Manhattan Project, and includes new material on the work carried out by the Soviet network established by Julius Rosenberg. Despite much new material published in the years since the first Venona release in 1995—which has led even the Meeropol brothers, the Rosenbergs' sons, to acknowledge that their father was an obvious Soviet spy—defenders of the Rosenbergs have developed a new fallback position. They argue (as do the Meeropols) that Ethel Rosenberg was innocent, and that although her husband served in a Soviet network, he produced nothing harmful and only passed on insignificant industrial espionage. Principally, they assert that Julius Rosenberg was not an atom spy, and that he and his wife were framed in order for the U.S. government to provide a scapegoat for actual spies like Klaus Fuchs, who could not be prosecuted in America.

HKV reveal that Rosenberg had recruited another atomic spy besides his brother-in-law David Greenglass, a hitherto unknown engineer named Russell McNutt who was not only brought into espionage by Rosenberg but instructed by him to seek work in the area of atomic energy and the bomb. While Greenglass was, by chance, assigned by the Army to work on the bomb assembly, McNutt was recruited on Rosenberg's "initative . . . to cultivate 'Enormous'" (the Manhattan Project). McNutt worked at the Kellex design office in New York, which had the contract for building the massive atomic facility at Oak Ridge, Tennessee. An agent who lived undetected, he later became a vice president of Gulf-Reston and helped develop the planned community of Reston,Virginia, ending his career as chief engineer at Gulf Oil.

The files also reveal that Ethel Rosenberg was fully involved in the recruitment of her sister-in-law and brother, and was no innocent figure. As for David Greenglass, it has long been claimed that whatever information he gave the Soviets was primitive and inconsequential. But new evidence proves this to be false. While not as important as the information given to the Soviets by the physicists Klaus Fuchs and Theodore Hall, the chief of the KGB in Moscow noted that the information provided by all three "mutually overlap[ped]." A report from the New York KGB station revealed that Greenglass had given them a floor plan and sketches of buildings, material on preparation of a uranium bomb, calculations on a structure solution for obtaining U 235, which they called "highly valuable," and a description of the bomb. As HKV write, "It was an impressive list of materials from an Army sergeant with only a limited technical education."

Moreover, citing the report of Anatoly Yatskov, they reveal for the first time that Greenglass gave Rosenberg in September 1945 the actual "model of . . . a detonator" for the fuse of the bomb's explosive substance built in his workshop—not, as previously thought, a primitive sketch of the mechanism. So Julius Rosenberg *was* an atomic spy, contrary to those who minimize his network's importance; and his brother-in-law David Greenglass gave the Soviets valuable and important material.

Once Greenglass was arrested and became a cooperative witness, the KGB developed a defense strategy that would be employed to the letter by the Rosenberg defense group. The KGB instructed that "it would be preferable to publish articles about the trial first and foremost in the non-Communist press," and to emphasize the trial as an exercise in "coarse anti-Soviet propaganda" and an attempt to shift blame for the Korean war away from the United States and "onto Jews and Communists," as well as an attempt to turn America into a fascist country. They also suggested emphasizing the horror of the execution of Ethel Rosenberg, a mother of two young boys, "because of some villainous brother's slanderous denunciation" and the argument that, in fact, there are no real atomic "secrets."

The Rosenberg network was a key part of the Soviet "XY line," the KGB's name for networks seeking scientific, technical, and industrial data. It was in this area that Morton Sobell, who recently confessed that he was a spy, and others previously unknown such as Nathan Sussman, worked. This group gave the Soviets data on radar, radio, aerodynamics, sonar, and jet fighters. The American physicist William Perl gave the KGB documents on long-distance jet fighter planes, and blueprints of the Lockheed P-80 jet fighter, and his data were used to jump-start Soviet jet fighter development, surprising the U.S. Air Force in Korea when it faced Soviet MIGs. At the same time, HKV go out of their way to show that, contrary to what some have argued, J. Robert Oppenheimer, despite having been a member of the American Communist party, did *not* spy for the Soviet Union.

The third major revelation is the solid identification of leftwing journalist I.F. Stone as a Soviet agent. For decades, Stone's admirers have depicted him as an independent, free-spirited journalist, unafraid to go after sacred cows, beholden to no one but his own conscience. His opposition to Cold war foreign policy, and his influential writings in opposition to the Vietnam war, made him a hero in the 1960s to the emerging New Left, and to a future generation of journalists and writers. The KGB files now firmly establish that, during 1936-38, Stone signed on as a full-fledged KGB agent. There is simply no more room for doubt. As the New York KGB station agent reported in May 1936, "Relations with 'Pancake' [Stone's KGB name] have entered 'the channel of normal operational work.'" For the next few years, HKV write, "Stone worked closely with the KGB" as a talent spotter and recruiter. He also worked with the American Communist Victor Perlo who, while an economist at the War Production Group, also led a Soviet espionage apparatus and compiled material for Stone. "That Stone chose never to reveal this part of his life," write the authors, "strongly suggests that he knew just how incompatible

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it would be with his public image as a courageous and independent journalist."

While the proofs about Hiss, the Rosenberg network, and I.F. Stone are more newsworthy, *Spies* is also a comprehensive look at how the Soviets saw espionage in America as a key part of building the Soviet Union's military and industrial infrastructure. Those who have always believed it was conspiratorial slander to talk about Communist infiltration of the federal government may be surprised to learn how thorough the KGB was in planting its agents in key agencies. The list includes not just Alger Hiss and his brother Donald but people such as Harry Magdoff in the Department of Commerce, Abraham Glasser in the Justice Department, David Wahl in the Federal Energy Administration and then the OSS, Gerald Graze in the Civil Service Commission, Harry Dexter White at Treasury, William Remington in the War Production Board and Council of Economic Advisors, Lauchlin Currie and Laurence Duggan in the Department of State—and many others. But there are limits to what espionage can accomplish. The effectiveness of the Soviet networks collapsed just as the Cold War began, and when the KGB desperately needed intelligence. It was the 1945 defection of Elizabeth Bentley that led Soviet intelligence to close down almost all of its American operations, and to dissolve and deactivate its agents. Bentley had run party-based KGB networks in the government, and when she went to the FBI, her defection "was by any measure a catastrophe." Everything that the KGB and GRU had put together during the war years had to be abandoned:

> By the time the FBI began to watch them or came to interrogate them, Bentley's American agents had their excuses and cover stories thought out and their cries about political persecution of progressives well rehearsed.

The most striking fact to emerge from *Spies* "is that a remarkable number of Americans"—more than 500— "assisted Soviet intelligence agencies." We still do not know the identities of all of them. Despite HUAC, the FBI, and Senator McCarthy and his associates, many were questioned, but few were prosecuted and fewer convicted. Some have argued that, although the Soviets may have spied against America, they did little harm. The KGB files reveal, however, that stolen scientific and technical data helped the Soviets wage the Cold War, build an atomic bomb, and deploy "jet planes, radar, sonar, artillery proximity fuses," and other armaments long before they could have done so on their own. Soviet espionage in America gave Stalin the confidence to give Kim Il Sung the go-ahead to invade South Korea in 1950.

HKV also show that, even though most American Communists were not spies, the files indicate that "the CPUSA's leadership in the 1930s and 1940s willingly placed the party's organizational resources and a significant number of its key cadres at the service of the espionage agencies of a foreign power." The American Communist party "as an organized entity was an auxiliary service to Soviet intelligence."

Joseph McCarthy was wrong in many of his accusations, but those American anti-Communists who saw the Communist party as a genuine threat to our national security, and who worked to keep their members out of government, were right. They were not witch-hunters, and the search for Communists in government was "a rational response to the extent to which the Communist party had become an appendage of Soviet intelligence." ♦

B&A

On the Circuit

Francis Asbury was the tireless face of Methodism in America. **BY MARK TOOLEY**

Francis Asbury was probably the most influential American religious leader during the republic's first several decades. He took a small flock of several thousand Methodists at the time of the Revolution and made it the nation's largest church by his death in 1816. He was a chief founder of American evangelical populism, which was the dominant religious force of the 19th century and has, once again, become the largest religious movement in 21st century America.

American Saint
Francis Asbury and the Methodists
by John Wigger
Oxford, 560 pp., $39.95

Not many non-Methodists would recognize Asbury today, except as the name of local churches and occasional towns. Maybe this very competent biography will help rectify that. During Asbury's 45-year ministry, in an era lacking recognizable celebrities, and before most politicians traveled extensively, he was one of America's most identifiable figures. He surely was America's best traveled, achieving more than 130,000 miles and traversing the Appalachians at least 60 times. (Few of America's major Founding Fathers crossed them even once.)

Asbury was anointed by John Wesley (whom Asbury referred to as "Old Daddy") in England to colead a new Methodist Episcopal Church after America's break with England. Wesley, Oxford-educated and ordained in the Church of England, had been adamant that British Methodism, led primarily by lay preachers, serve as a renewal movement within the established church. But the partial collapse of Anglicanism in America after the Revolution left many Methodists without access to ordained clergy and the sacraments. Asbury had come as a 26-year-old lay missionary to America in 1771 and was the only British Methodist

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preacher to remain in America during the war. Dramatically, he explained his refusal to go home to England:

> It would be an eternal dishonor to the Methodist, that we should all leave three thousand souls, who desire to commit themselves to our care; neither is it the part of a good shepherd to leave his flock in time of danger; therefore, I am determined, by the grace of God, not to leave them, let the consequence be what it may.

Wesley did not help by very publicly denouncing the Revolution, causing American Methodists often to be seen as subversive. During the war, Asbury himself mostly lay low in Delaware, preaching only to local audiences and living in the home of an influential patron.

Whether or not Methodism could recover after the war was an open question. But Wesley ordered that 39-year-old Asbury be ordained as cosuperintendent in 1784, serving along with a more recent arrival from England, Thomas Coke. The famous Methodist "Christmas Conference" in Baltimore founded the church and made Asbury's role official, though Asbury insisted the assembled Methodist preachers elect him and Coke rather than merely accept Wesley's instructions. American Methodism also named Asbury and Coke as bishops, which displeased Wesley, who noted that he never presumed that title for himself. Coke was much better educated than Asbury, polished, sometimes fussy and even "womanish," lacking Asbury's grave "apostolic deportment." He was also less focused than Asbury, crisscrossing the Atlantic many times, unsure whether he belonged in America or Britain or the Caribbean, and even targeting India at life's end.

Asbury therefore became the mostly undisputed chieftain of American Methodism. He ruled authoritatively but shrewdly and benignly across three decades, appointing and superintending thousands of mainly very young preachers to evangelize a young America. He largely prevented schisms and any proposed merger with the Episcopal Church. The established Episcopalians, Presbyterians, and Congregationalists of the East Coast were often slow not only to reach the frontier but also to reach immigrants and even the East Coast native-born of the fast-growing new nation who were unattached to institutional Christianity. Most of Asbury's preachers were circuit riders, responsible for 25 to 30 preaching appointments per round, across a circumference of 200 to 500 miles, necessitating almost constant travel—and paid sparingly.

But almost no preacher would equal Asbury in fervor, energy, or length of years and number of miles on the uninterrupted circuit. Except during extreme illness, which was not infrequent, and the tense war years, Asbury was in constant movement across five decades, almost always preferring a horse to a carriage, which often could not navigate the abysmal frontier roads. Until he died at 70 Asbury never had, or desired, a home. His belongings were limited usually to only a few items of clothing, books, and a horse. Even more so than Wesley, who made and gave away greats sums from his popular publications while living modestly (if comfortably) in a small London townhouse, Asbury was dedicated to poverty and complete self-denial for the benefit of Methodism.

In their declining years, John Adams and Thomas Jefferson agreed that a rational Unitarianism was America's likely dominant faith. They did not understand or sympathize with the evangelical revivals boiling around them.

Asbury was also devoted to celibacy. Wesley had several furtive romances as a young man and began an unhappy marriage in middle age. His brother, Charles, the famous hymn-writing fellow Anglican clergyman and Methodist enthusiast, was married long and happily. Methodism's rules affirmed married clergy, but Asbury saw marriage as impractical for dedicated circuit riders who could be home only a few days a month. Wives and children required higher salaries for preachers, and pensions for widows. Most Methodist preachers could only endure circuit riding while still very young, and later either left the ministry or "located" to a settled congregation. Asbury was exasperated by the domestic considerations of his preachers but tried to accommodate them. He lived scandal-free, and had possibly only a brief flirtation back in England, to which he referred cryptically in a letter to his parents. Late in life, he confided to his assistant that he had entirely died to the "lusts of the flesh," thanks partly to the "powers of nature" having been "broken by disease."

Wesley had no biological children but many siblings and relatives, his relatively long-lived and sophisticated parents, and a wide circle of well-connected friends. In contrast, Asbury was the only child of a village gardener, who may have been a drunkard, and a pious mother. After leaving England in 1771 he never saw his parents again, though he corresponded and sent money. Unassisted by formal education, money, family, or special contacts, Asbury was a self-made religious entrepreneur whose exertions led to a 200,000-member church in a nation of eight million. He equaled Wesley in organizational genius and in his own personal discipline, rising every morning before dawn for devotions. He seems not to have been as great a preacher as Wesley, but was captivating in small groups, combining humor (of which he was somewhat ashamed), warmth, and rustic intellect. And unlike Wesley, who wrote and published on a wide range of theological, political, philosophical, dietary, and even medical topics, Asbury never published anything significant, except for his massive journal, which he sustained across 45 years as the primary record of Methodism's advance in America. It records his silent journeys through snowstorms and across ice-choked rivers, in brutal tropical heat, up and down the East Coast and across the mountains into Kentucky and Ohio, as well

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as into Canada. Even as an elderly man, he spent nights in cabins, sharing space and often a bed (if not the floor) with large families and animals. He preached to small circles in living rooms and on courthouse steps to thousands.

Asbury visited Boston, New York, Philadelphia, and other seaboard cities, including Charleston, which he regarded as the most wicked. But his greatest evangelistic successes were usually in the back country or the countryside of the Middle Atlantic states, such as Delaware, Maryland, Pennsylvania, and Virginia. He had some wealthy supporters, but he, like Wesley, saw Methodism as primarily a low-church ministry for common people. Late in life he was distressed about Methodist church buildings with steeples and pews, preferring unadorned preaching houses with simple benches and no choirs, only a robust congregation.

Wesley met some of the great English personalities of his day, including George III, and he conversed with Samuel Johnson as an intellectual equal. Asbury did not seek out or even express much interest in American elites. The one significant exception was George Washington, that "matchless man" whom he deeply admired, and whom he may at least partially have emulated as the austere founder of a new movement. After becoming bishop, Asbury met with the general at Mount Vernon to urge endorsement for an antislavery petition. Washington sympathized but declined. Later, Asbury met Washington during his presidency to offer Methodism's support for the new republic and praising the "most excellent constitution of these states, which is at present the admiration of the world." When Washington died, Asbury hailed him as a "true son of liberty in all points," especially for having freed his slaves.

In their declining years, John Adams and Thomas Jefferson agreed that a rational Unitarianism was America's likely dominant faith. They did not understand or sympathize with the evangelical revivals boiling around them, nor did they likely appreciate that Asbury, during their presidencies and after, was vigorously ensuring that America's future was, at least for the next century, firmly evangelical.

Methodism's culture-shaping role in early America involved slavery. Wesley and the early Methodists, especially the British ones, fervently opposed it; but after his petition effort with Washington, Asbury began slowly to back away from public activism. He remained firmly antislavery but uncertain of the political solution. He did become certain that Methodist antislavery activism would shut off most of the South to Methodism, especially blacks, who were deeply drawn to it. Asbury decided that eternal salvation was more important than temporal freedom. Asbury ordained probably the first black minister in America, Richard Allen, who eventually founded the African Methodist Episcopal Church, the nation's first black denomination. Allen was forcibly removed from a Philadelphia Methodist church when he refused to remain in the balcony with other blacks and founded his own congregation down the street, where Asbury later spoke. Asbury decided that blacks would have greater freedom and authority within their own churches rather than accepting subordinate status in white congregations. He preached often to black congregations, free and enslaved, and in his later years, when enfeebled by illness and grueling travel, black audiences often wept at the mere sight of him, recognizing the scars of his suffering for the Gospel.

Francis Asbury, 1771

BETTMANN / CORBIS

Accepting his illnesses as divine tests, Asbury continued to travel and preach until the very end. He died almost literally with his boots on, in 1816, en route to one more conference, seeking refuge in a farmhouse. His funeral in Baltimore attracted 20,000-plus mourners. His limited estate was left to dispense Bibles to any child named for Asbury; over a thousand little Asburys got Bibles well into the 1830s. Four years after his death, Methodism had a quarter-million members; 10 years later it had doubled.

Asbury continued to be revered in Methodism, even as it became a middle-class church full of the money and respectability of which he was so suspicious. In the early 20th century, especially during Prohibition, Asbury was portrayed as an autocratic prude whose exertions imposed a suffocating Victorian morality on America; others characterized him as an apostle of American democracy. At the dedication of an Asbury statue in Washington in 1924, Calvin Coolidge hailed him as one of America's Founding Fathers. Few Washingtonians today, passing the caped horseman clutching a Bible in the Mount Pleasant neighborhood, have any idea who Asbury is.

John Wigger's lively account is admiring without becoming hagiographic. Asbury seems to have been a poor public speaker but harbored a dramatic flair, advising ministers to "preach as if you had seen heaven and its celestial inhabitants and had hovered over the bottomless pit and beheld the tortures and heard the groans of the damned." A woman recalled watching an aged Asbury helped into the pulpit. The sermon was disjointed, but the force of the elderly Asbury's personality and faith still filled her with "awe." ♦

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B&A

Biennial Bland

Accentuating the positive at the Whitney.

BY JAMES GARDNER

At this late date in the history of Western civilization, bashing the Whitney Biennial is such an inveterate habit among art critics that even to acknowledge the fact, as I have just done, has become a cliché. Indeed, this reflex is so entrenched by now that, in what may be the single greatest act of institutional masochism ever recorded, the latest Biennial catalogue has reprinted all the lukewarm to lousy reviews that this show has garnered since its inception 75 years ago.

Having reviewed almost every Biennial since 1985, with as little indulgence as most other critics, I decided that this year I would emphasize the positive. Not that I would try to like the art, or claim I did when I didn't: Rather, I would try to write only about the art that, in good conscience, I sincerely liked. And try I did.

What follows are the results of my little thought experiment. The problem, as I had anticipated, was that there were only a handful of works that I sincerely did not dislike (if I may put it that way) and that even these did not inspire any uncorsetted enthusiasm. From my fairly traditionalist perspective, some of the more satisfying works were those of Maureen Gallace. Her diminutive oil paintings on panel, like "Cape Cod, Early September," consist of little more than images of frame houses set in pastel fields against a clear blue sky and the purity of the sea. According to the accompanying catalogue entry, these simple, honest, well-behaved paintings are "anomalous in the context of contemporary art-making." But that is not true. There are many paintings that are being made today that are every bit as good as this, if not better: But because they do not fall within the narrow ambit of what looks like art to the curators at the Whitney or the dealers in Chelsea, such works are marginalized.

In the latest Whitney Biennial, we probably do not need an entire room devoted to the ink-on-paper images of Charles Ray, depicting parti-colored flowers that bloom across their pale surfaces like an explosion of roman candles. But as pure decoration, they are rather deftly done, and I say that in the full knowledge that their "real point" is an implicit assault on the sort of middle-class, middle-management taste that consumes such art without relishing its more troubling subtexts.

Next, I sincerely did not mind Pae White's "Smoke Knows," a tapestry 10 feet high and 20 feet long, that greets visitors as they exit the elevators on the third floor. Fashioned from cotton and polyester, it depicts undulatous whorls of gray smoke floating across the picture plane. There is a photorealist element to the work, but it can also be experienced as a maximalist abstract painting.

Two other artists who deserve mention are Lesley Vance and R.H. Quaytman. Both are abstract artists, one of the gestural variety, the other more hard-edged and geometric. Vance creates swirling forms of impastoed paint that splurges where it has not been scraped bare with a palette knife. At those points, it hints at perspective and confuses the eye into seeking content that never materializes. Very different are the images of Quaytman, whose serried stripes, fashioned from minute particles of sparkling glass, call to mind the Op Art of the Sixties. What unites these two artists is the introduction of a sense of perspective into abstract art. In both cases, the pleasures are of a cool and measured sort, but they are there nonetheless.

The only works, however, that I can praise entirely without reservation are 30 sumi ink images on paper by Roland Flexner. Although these diminutive grisailles are stacked in dense rank and file across a single wall, each one manages to assert its uniqueness, to conjure up a dreamscape whose topographical dimensions are no less compelling for the essential abstractness of their biomorphic shapes.

Aside from these few beneficiaries of my faint praise, what defines the latest exhibition, in opposition to its predecessors, is that it is singularly lacking in a defining, guiding aesthetic principle. Curated by Francesco Bonami and Gary Carrion-Murayari, it has no unifying formal theme, like the 1984 Biennial, which promulgated to the world the boisterous introduction of populist culture into the visual mainstream; or the 1993 Biennial, which did the same for political identity art; or the 1997 Biennial, which did the same for neo-geo techno-art.

What this lack of focus proves, I believe, is that Contemporary Art has grown old. That is a paradox, of course, since contemporaneity, by definition, is new. But Contemporary Art, or whatever you want to call the art that emerged after the terminal implosion of conceptualism in the late seventies, is reaching the end, if it has not already reached the end, of its life cycle. It is treading water. It doesn't know where to go next. The same gestures, the same attitudes, are now subject to infinite iteration.

As recently as a generation ago, when the art world was guided by an easily discernible mainstream, such repetitions were tolerable. But today, they have largely ceased to amuse, and our collective patience grows thin. That is why such pluralistic irresolution as this latest Biennial offers is ultimately unsatisfying. The crowds appear to have petered out, and there is no buzz, not even a hint of hype, to leaven the heaviness of these proceedings. But through its very inadequacies, the 2010 Biennial does us the service, unintentionally, of revealing the true state of the established art world at the present time. ♦

James Gardner recently translated Vida's Christiad *(I Tatti Renaissance Library).*

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B&A

New York Story

Not quite the 'sharp little movie about ordinary people.'

BY JOHN PODHORETZ

Have you ever really wanted to love a movie? I don't mean the way children and teenagers do when they get all excited to see the latest Pixar presentation or superhero epic. I mean because the movie itself seems to be a labor of love, rather than merely an object of commerce, and because its subject matter is dear to your heart. That is the way I felt before I went to see a new film called *City Island*, the sort of small, character-driven comedy-drama that was once a staple of the new Hollywood before the era of the blockbuster set in with the release of *Jaws* in 1975.

City Island
Directed by Raymond De Felitta

City Island is a sliver of land off the Northeast Bronx that was once a fishing village populated by Italian families in salt box houses; it's still primarily Italian, and is still a home to boats, though not to commercial fishermen. It's a couple of blocks wide and a little over a mile long, and it sits in the waters of the Long Island Sound, 8 miles due north of the Empire State Building, a few miles beyond of La Guardia Airport. It's one of the little-heralded and most picturesque spots in New York City and, perhaps most important, it was the site of my third date with the woman who would become my wife.

It's a great and original setting for a New York movie. The movie's writer-director, Raymond De Felitta, made use of a similarly obscure New York locale in his wonderful and tiny *Two Family House*, a story of an interracial romance on Staten Island in the late 1950s released 10 years ago. De Felitta presented the characters and surroundings of *Two Family House* with unsentimental but affectionate precision, and that approach portended only good for his treatment of City Island. His new movie is about a prison guard named Vince (Andy Garcia) and a secretary named Joyce (Julianna Margulies); they live in the City Island house his grandfather built. They have two kids, a college-age daughter, and a son in high school, and they have reached a point in their marriage where they seem both entirely comfortable with, and entirely exhausted by, each other.

I had every hope for *City Island*, because of De Felitta's record and because movies about working class Bronx Italians have a surprisingly high rate of excellence—from *Marty*, the great 1955 Paddy Chayefsky tale of a lonely butcher and his Saturday night date, to *True Love*, the extraordinary and underappreciated 1989 picture about the wedding weekend of two immature 20-year-olds.

There are indeed some wonderful things here—in particular, the depiction of a family whose members instinctively, comically, but ultimately corrosively keep secrets from each other. Vince harbors dreams of being an actor, but tells Joyce instead that he has a poker game to go to. She assumes he's having an affair, and strikes up a secret flirtation with a recent prison inmate named Tony (Steven Strait), whom Vince has brought home from work to help him finish a boat shack in back of their house. Tony is the biggest secret of all; Vince figures out that Tony is his son, the issue of a relationship before he met his wife.

The kids have secrets, too, and the casual dishonesty with which they all interact leads to pointless and hilarious fits of temper and derision at the dinner table observed with bemused confusion by Tony the ex-con, who doesn't know Vince is his father.

Garcia and Margulies are both delightful and winning; Garcia hasn't seemed so vital in years, and Margulies is pitch-perfect. And yet there are some very, very long stretches in *City Island* where the movie just slips away from you. At times it descends into unconvincing and unfunny farce—as when the wiseacre teenage son indulges his obsession with obese women on the Internet. At others, it moves into fairy-tale territory when, using the life story of his secret son, Vince captures the attention of the director Martin Scorsese during an open-call audition for Scorsese's next film.

A sharp little movie about ordinary people like *City Island* gets us to care about its characters not because they do anything glamorous or exciting but because they are interesting in and of themselves. Such a movie centers on an assertion—the assertion that everyone has a story to tell, no matter his social standing, and no matter whether he lives in the White House or on City Island. Such a movie loses its emotional appeal and power when that character's story no longer seems like a story that could happen to anyone, and instead becomes a fantasy of escape from circumstances that the real-world versions of the characters themselves would not wish to escape.

Though it has manifold charms and virtues, in the end, *City Island* is a little engine that could have, but didn't, quite. ♦

John Podhoretz, editor of Commentary, *is* The Weekly Standard*'s movie critic.*

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"Hugo Chavez, the Venezuelan President, has announced that he will start using Twitter, the microblogging site, which will test his ability to deliver a concise message" —**Daily Telegraph, *April 27, 2010***

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@EvoBolivar No more Pisco Sours? LMAO! Bet you finish a pitcher at next OAS confab! (btw love that tunic!)
about 1 hour ago via web in reply to EvoBolivar

@KennedyJoe De nada! Knew you'd love the Maserati. Just think of it as a "gift from the people of Venezuela"! LOL
about 2 hours ago via web in reply to KennedyJoe

@VivaFidel Hope you saw Dateline special on not mixing heart meds, pain meds, and antihistamines: http://www.msnbc.msn.com/id/3032600/
about 3 hours ago via web

@Rahmbo Thanks for tips on managing my #enemieslist ;)
about 4 hours ago via web in reply to Rahmbo

@MahmoudIndigo Like the new missile but you know what they say about men with big missiles!
about 7 hours ago via web in reply to MahmoudIndigo

@BarackObama Time to get tough! Nationalize Goldman Sachs. Jail the greedy bankers or send them packing to Israel! Lunch next week?
5:30 AM May 1st via web

My address to United Socialist Party conference will rock you! I propose removing traitors from our newsrooms, repeal 140-character limit on
4:04 AM May 1st via web

RT @jongosselin1 Kate, her attorneys and I are moving forward to work out things privately and amicably.
3:30 AM May 1st via web

Justin Bieber's new album My World 2.0 is fantástico! And if you disagree, may you rot in one of my stinking

Name Hugo Chávez
Location Caracas, Venezuela
Bio President of the Bolívarian Republic of Venezuela, Leader of the Bolívarian Revolution, Supreme Commander of the Bolívarian Armed Forces of Venezuela, Founder of the Fifth Republic Movement, Leader of the United Socialist Party of Venezuela, President of Sean Penn Fan Club

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